

2003 REPORT OF THE WASHINGTON STATE NOXIOUS WEED CONTROL BOARD

Covering Calendar years 2001-2002



Kudzu (*above*), the scourge of the U.S. Southeast, was discovered in Washington State during the past biennium. See "Success Stories," page 20.

Washington State Noxious Weed Control Board

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2003 Report of the Washington State Noxious Weed Control Board

(Covering Calendar Years 2001 and 2002)

Including "Success Stories"

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Overview

The Washington State Noxious Weed Control Board (Board) is an advisory board to the Washington State Department of Agriculture (Department) regarding noxious weed control in Washington and is responsible for policy development with respect to the state's noxious weed control program. The Board adopts, by rule, Washington's Noxious Weed List (Chapter 16-750 WAC). It has shared responsibility for the implementation of the state's noxious weed law (Chapter 17.10 RCW) with the Department and the county noxious weed control boards and weed districts. The Board serves as the state's noxious weed coordination center. Through its actions and policy decisions, it coordinates and supports the activities of 48 county noxious weed control boards and weed districts of Washington. Those county boards and districts, in turn, direct the much-larger weed control efforts of property owners

Mission Statement

Our mission is to serve as responsible stewards of Washington by protecting and preserving the land and resources from the degrading impacts of noxious weeds.

We believe that prevention is the best approach and may be achieved through full implementation of the intent of the state noxious weed law. To further that, we strive for enhanced public awareness through improved educational efforts.

As the Board, we do not deal directly in control activities but rather work to achieve control through local county noxious weed control boards and weed districts. For that reason, we work to improve communication, gain cooperation and improve coordination of the collective efforts for noxious weed control.

Finally, we believe that noxious weed control is best carried out by strong, adequately funded programs at the local level. Thus, we strive to build public support for local programs and to empower those programs to be more successful.

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EXECUTIVE SUMMARY

PROGRAM SUMMARY

Noxious weeds threaten Washington's irreplaceable resources. These non-native, invasive species threaten our agricultural base, rangelands, waterways, tidelands, parks, wildlife, property values, public health and safety, and the ecological health and diversity of our native ecosystems. While the economic effects of noxious weeds on agriculture are enormous, their effects on the natural resources and ecological diversity of the state compound these losses. Noxious weed infestations are the second leading cause of wildland habitat loss. These resources, once destroyed, are irreplaceable.

Noxious weed control takes place at the local level. The Washington State Noxious Weed Control Board (the Board) believes noxious weed control is best implemented at the local level by county noxious weed control boards and weed districts. Enhancing their effort by providing leadership, education, and coordination is the best investment the state of Washington can make for noxious weed control and the protection of its agricultural and other natural resources. The Board and the Washington State Department of Agriculture (the Department) currently work with 37 activated noxious weed control boards and 11 weed districts to implement the state's noxious weed laws. These local programs direct and leverage the substantial investment made by landowners throughout Washington for on-the-ground noxious weed control work.

State programs support local efforts. Through its policies and weed listing process, the Board coordinates and supports local efforts. During 2001 and 2002, the Board focused its efforts on education; support for established county boards and districts; assistance for newly-created county boards; and improving effective working relationships with land management agencies. Many of the Board's activities are described on its new website, which is now at www.nwcb.wa.gov. The Department has concentrated on counties without weed boards, inter-county complaints, cooperative projects with state and federal partners, and on the *Spartina* and purple loosestrife programs. The upcoming biennium will bring continued efforts in these areas.

State funds are spent efficiently and effectively. The Board focuses its limited resources on projects where it can maximize returns. This biennium, the Board continued to update its strategic plan to set clear priorities for expenditures of time and money and to provide a formal system for tracking progress. The Board accomplished several important and long-planned tasks, including relocating its operations near other agencies in Olympia. The Board's efforts contributed to bringing one county (Mason) without a weed board to the point where board members are being recruited. It also produced numerous educational events, displays and publications, which are detailed in the body of the report.

Current systems are producing success stories. Real-life examples of the work of noxious weed agencies in Washington State are told in the “Success Stories” section, including:

- Kudzu, the scourge of the U.S. southeast, was detected in Washington State this biennium and was treated and eradicated.
- Quick action kept the spines of camelthorn from spreading to injure range animals in Chelan County.
- The state’s only infestation of Eggleaf spurge, a close relative of a plant that has devastated vast tracts of the Great Plains, was kept contained and heading toward eradication on Orcas Island.
- A diverse taskforce continued its gains against saltcedar, a plant that uses so much water it can actually lower underground water levels.
- Agencies and insects have teamed up to greatly reduce infestations of purple loosestrife, which once covered thousands of acres of south central Washington.
- Persistence over six years reduced the amount of toxic tansy ragwort along a stretch of Whatcom County highway to six percent of its previous volume.
- Education thwarted a comeback of African rue, which had taken 10 years to eradicate from Grant County.
- Four counties and the Colville Tribe have deployed insects to save grasslands from invasive weeds, with significant results.

The vast majority of noxious weed control in Washington State is funded privately by property owners, as intended by the Legislature and required by RCW 17.10. Through its policies and activities, the Board directs the noxious weed control efforts of county weed boards and weed districts, as well as public and private landowners. Many of the Board’s expenditures produce amplified and highly-leveraged benefits.

Noxious weed control is an on-going component of a healthy, productive Washington. We have the opportunity to protect Washington from many noxious weeds that are costing other western states billions of dollars in resource and productivity loss and management costs. In order to accomplish this goal, there must be an ongoing commitment to the state’s noxious weed program.

RECOMMENDATIONS

In summary, the Washington State Noxious Weed Control Board recommends that the State continue to leverage the private and local investments made in noxious weed control by maintaining existing general fund support for Washington’s noxious weed control program, including the Department and the Board. By maintaining this funding, the Board can continue to coordinate noxious weed control efforts in Washington and help county weed boards and weed districts do their jobs.

STATUS REPORT: WASHINGTON'S NOXIOUS WEED CONTROL PROGRAM

SCOPE OF THE PROBLEM

Washington's noxious weeds are non-native, invasive plants that have been introduced to the state through human actions. Most of these species were brought in without any natural enemies, such as insects or diseases, to help keep their populations in check. As a result, these plants can often multiply rapidly. In the U.S., introduced weeds are spreading and invading approximately 1.7 million acres per year of wildlife habitat alone.



Spotted knapweed

Introductions of non-native species have been implicated in many of the natural resource and conservation problems the world faces today. Noxious weeds result in U.S. crop losses estimated at \$26 billion a year. In addition, introduced species are the second leading cause of reductions in biological diversity. According to University of California biologist Michael Soule, "Invasive alien plants pose a significant threat to the biodiversity of natural areas, to life on the planet." Of the 250 U.S. plant species federally listed as threatened or endangered, introduced weeds have been implicated in the decline of at least 39 of them. Weed invasions also impact fish and wildlife. For example, spotted knapweed invasion of bunchgrass sites may reduce available winter forage for elk by as much as 50 to 90 percent. When knapweed replaces dense, native vegetation in riparian areas, it can increase soil erosion, which may ruin spawning habitat for salmon.

The impacts of noxious weeds and other invasive species have been recognized at the highest levels of government. In 1999, Then-President Clinton issued an executive order that directed federal agencies to expand and coordinate efforts to combat the introduction and spread of non-native plants and animals. Several states are expanding their noxious weed programs.

While many entities are just beginning to address the issue, Washington has a long history of noxious weed control efforts. Washington's first noxious weed law, which dealt with Canada and Chinese thistles, was passed in 1881 - eight years before statehood. Noxious weed laws have been updated and refined many times since then to accommodate new information and changing needs. As a result, Washington has one of the nation's best noxious weed control programs. The following pages summarize Washington's noxious weed program and some of its challenges and accomplishments for 2001 and 2002.

SUMMARY OF PROGRAM ORGANIZATION

The Washington State Noxious Weed Control Board (the Board) believes noxious weed control is best implemented at the local level by the 48 county noxious weed control boards and weed districts in Washington. Enhancing their effort by providing leadership, direction, education, and coordination is the best investment the state of Washington can make for noxious weed control and the protection of its agriculture and other natural resources.

The Board and the Washington State Department of Agriculture (the Department) currently work with 37 activated noxious weed control boards to implement the state's chief noxious weed control law, Chapter 17.10 RCW *Noxious Weeds – Control Boards*. The Board and the Department also work cooperatively with 11 weed districts formed under older noxious weed laws, chapters 17.04 RCW *Weed Districts* and 17.06 RCW *Intercounty Weed Districts*.

Each of these laws has assigned primary responsibility for noxious weed control to the landowner as steward of the land. Thus, private funds pay for the vast majority of noxious weed control in this state. The relatively smaller amounts spent by local and state agencies leverage this much larger private investment. Regulatory responsibility for ensuring compliance with the noxious weed laws has been assigned to local county noxious weed control boards and weed districts formed under these laws. The Department has regulatory responsibility when no local program has been activated.

These local boards and districts carry out the state's noxious weed law at the local level. Each county board is composed of five directors who volunteer their time and effort to oversee the county noxious weed program. Washington State University Cooperative Extension agents serve as ex-officio, non-voting county weed board members. The 11 weed districts were formed from the 1930's through the 1960's, with three volunteer directors per district. Each local board and district has the authority to hire staff to regulate the control of noxious weeds in its jurisdiction. Local weed boards and districts provide many services to the communities they serve, including:

- Early detection surveys designed to identify noxious weeds in the early stages of invasion – before large-scale resource damage occurs;
- Technical assistance and education on noxious weeds, prevention strategies, and control options for landowners;
- Enforcement of noxious weed control responsibilities to ensure resource protection and uniform standards; and
- Local flexibility and the ability to address local weed control priorities.

Funding of these local programs is either through a weed assessment on land or an appropriation from the county general fund. Currently, slightly over half of county weed boards are funded by a weed assessment on land. The remainder has budgets appropriated from the county general fund. Whether assessment or general fund, more than \$6.1 million are locally invested in the annual budgets of

these programs statewide. They, in turn, direct the substantial investment made by landowners throughout Washington for actual noxious weed control work.

The Board helps make this local investment work for the benefit of the state by providing leadership, direction, and coordination to these local weed boards and weed districts. The Board is composed of 12 volunteer members. Nine voting members represent county weed programs in all regions of the state, weed districts, county legislative authorities, the public interest, and the Washington State Department of Agriculture. Three non-voting members are scientific advisors. The Board:

- Determines and adopts the annual state noxious weed list;
- Gathers and distributes information on noxious weed species and control strategies;
- Coordinates training, technical assistance, control strategies, and educational program development at a county, state, and regional level;
- Supports and promotes the activation of local weed control boards;
- Assists in the development and promotion of biological control projects;
- Conducts and supports prevention programs and early detection surveys;
- Promotes cooperation, compliance, and coordination of weed control activities between 37 county weed boards, 11 weed districts, 12 state and federal land management agencies, 34 Indian nations, two neighboring states, and one province.

The Department is the final component of Washington's noxious weed control program. State weed law authorizes the Department to:

- Perform any necessary enforcement activities in counties without activated weed boards, and
- Negotiate and rule in inter-county disputes.

Strong cooperation and interaction between the Board, the Department, and county noxious weed control boards and weed districts are the keys to the success of Washington's statewide noxious weed program.

STATE NOXIOUS WEED LIST

Each year, the Board coordinates and influences noxious weed control activities statewide through adoption, by rule, of the state noxious weed list. None of the weeds on the Washington State Noxious Weed List are native to the state; they have all been introduced from other parts of the world through human actions. The noxious weed list determines which plants will be considered noxious weeds and where in Washington control will be required. This approach allows control activities of landowners, public and private, to be prioritized toward the protection and enhancement of Washington's agricultural and natural resources in the most cost-effective manner.

1. Prevention

New noxious weeds are to be prevented from establishing in the state. Prevention is the process of forestalling the contamination of an area by a noxious weed. It includes measures taken to stop the introduction and spread of a specific species into areas not currently infested. This far-sighted approach, similar to preventative medicine, pays great economic and natural resource dividends. Prevention is achieved through legislation, regulation, and landowner education. For example, quarantines enacted by the Department prohibit the transport, sale and purchase of 82 non-native, invasive plants. These quarantines prevent the continued introduction of these species through plant sales. Some of the state's worst noxious weeds, such as purple loosestrife, Scotch broom, and Dalmatian toadflax, were intentionally introduced as ornamentals.

2. Eradication

Small infestations of newly established noxious weed species are to be eradicated at the smallest possible population level and earliest possible opportunity. Eradication means to eliminate a noxious weed within a geographical area. Eradication is mandated during the early stages of invasion while population levels are low and infested sites are few. Early action not only has the greatest chance of success, but also minimizes expense and resource damage. Eradication is accomplished by survey, monitoring, education, regulation, and site-appropriate vegetation management.

3. Containment

Noxious weeds that have become established to such an extent that eradication is no longer feasible are to be contained. Contain means to confine a noxious weed and its propagules to an identified area of infestation. Containment can involve a variety of control and suppression measures, including mechanical, cultural, chemical, and biological control, as well as landowner education and other appropriate weed management strategies.

The historical emphasis of Washington's noxious weed law was to protect the economic interests of commercial agriculture in the state. While the effects of noxious weeds on agriculture are enormous, their effects on the natural resources and ecological diversity of the state are immeasurable. These resources, once destroyed, are irreplaceable. Noxious weeds threaten not only our agricultural base, but also our rangelands, waterways, parks, wildlife, property values, public health and safety, and the ecological health and diversity of our native ecosystems. In recognition of these multiple impacts, Chapter 17.10 RCW was updated in 1997 to include limiting economic loss and adverse effects to Washington's agricultural, natural, and human resources.

The Board systematically classifies noxious weeds based on the stage of invasion of each species. The classification system is designed to: 1) prevent small infestations from becoming large infestations; 2) contain already established infestations to regions of the state where they occur and prevent their movement to non-infested areas; and 3) allow flexibility at the local level to include widespread weeds for landowner management programs. A complete noxious weed list is published annually in Chapter 16-750 WAC.

There are 29 Class A noxious weeds in Washington. Class A weeds are non-native species with a limited distribution in the state. Therefore, eradication of all Class A noxious weeds is required by state law.

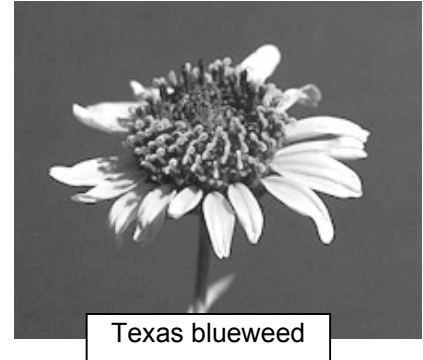
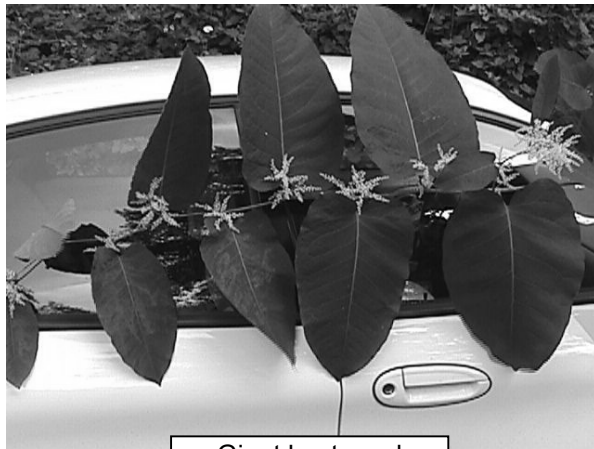


Table 1. 2002 State Noxious Weed List - Class A Weeds

Common name	Scientific name	Common name	Scientific name
Bean-caper, Syrian	<i>Zygophyllum fabago</i>	Knapweed, Vochin	<i>Centaurea nigrescens</i>
Blueweed, Texas	<i>Helianthus ciliaris</i>	Lawnweed	<i>Soliva sessilis</i>
Broom, Spanish	<i>Spartium junceum</i>	Mustard, garlic	<i>Alliaria petiolata</i>
Buffalobur	<i>Solanum rostratum</i>	Nightshade, silverleaf	<i>Solanum elaeagnifolium</i>
Clary, meadow	<i>Salvia pratensis</i>	Sage, clary	<i>Salvia sclarea</i>
Cordgrass, salt meadow	<i>Spartina patens</i>	Sage, Mediterranean	<i>Salvia aethiopis</i>
Crupina, common	<i>Crupina vulgaris</i>	Saltcedar	<i>Tamarix ramosissima</i>
Flax, spurge	<i>Thymelaea passerina</i>	Spurge, eggleaf	<i>Euphorbia oblongata</i>
Four o'clock, wild	<i>Mirabilis nyctaginea</i>	Starthistle, purple	<i>Centaurea calcitrapa</i>
Goatsrue	<i>Galega officinalis</i>	Thistle, Italian	<i>Carduus pycnocephalus</i>
Hawkweed, yellow devil	<i>Hieracium floribundum</i>	Thistle, milk	<i>Silybum marianum</i>
Hogweed, giant	<i>Heracleum mantegazzianum</i>	Thistle, slenderflower	<i>Carduus tenuiflorus</i>
Hydrilla	<i>Hydrilla verticillata</i>	Velvetleaf	<i>Abutilon theophrasti</i>
Johnsongrass	<i>Sorghum halepense</i>	Woad, dyers	<i>Isatis tinctoria</i>
Knapweed, bighead	<i>Centaurea macrocephala</i>		

The Board has classified 60 species as Class B noxious weeds. These species are established in some regions of Washington but are of limited distribution or not



Giant knotweed

present in other regions of the state. In regions where a Class B weed is unrecorded or of limited distribution, prevention of seed production is required. In these areas, the weed is a "Class B designate," meaning it is designated for control by state law. In regions where a Class B species is already abundant or widespread, control is a local option. In these areas, the weed is a "Class B non-designate,"

with containment, gradual reduction, and prevention of further spread being the chief goals.

Table 2. 2002 State Noxious Weed List - Class B Weeds (continued on page 9)

Common name	Scientific name	Common name	Scientific name
Blackgrass	<i>Alopecurus myosuroides</i>	Knapweed, meadow	<i>Centaurea jacea</i> x <i>nigra</i>
Blueweed	<i>Echium vulgare</i>	Knapweed, Russian	<i>Acroptilon repens</i>
Broom, Scotch	<i>Cytisus scoparius</i>	Knapweed, spotted	<i>Centaurea biebersteinii</i>
Bryony, white	<i>Bryonia alba</i>	Knotweed, giant	<i>Polygonum sachalinense</i>
Bugloss, annual	<i>Anchusa arvensis</i>	Knotweed, Japanese	<i>Polygonum cuspidatum</i>
Bugloss, common	<i>Anchusa officinalis</i>	Kochia	<i>Kochia scoparia</i>
Camelthorn	<i>Alhagi maurorum</i>	Lepyrödiclis	<i>Lepyrödiclis holosteoides</i>
Carrot, wild	<i>Daucus carota</i>	Loosestrife, garden	<i>Lysimachia vulgaris</i>
Catsear, common	<i>Hypochaeris radicata</i>	Loosestrife, purple	<i>Lythrum salicaria</i>
Chervil, wild	<i>Anthriscus sylvestris</i>	Loosestrife, wand	<i>Lythrum virgatum</i>
Cinquefoil, sulfur	<i>Potentilla recta</i>	Nutsedge, yellow	<i>Cyperus esculentus</i>
Cordgrass, common	<i>Spartina anglica</i>	Oxtongue, hawkweed	<i>Picris hieracioides</i>
Cordgrass, smooth	<i>Spartina alterniflora</i>	Parrotfeather	<i>Myriophyllum aquaticum</i>
Daisy, oxeye	<i>Leucanthemum vulgare</i>	Pepperweed, perennial	<i>Lepidium latifolium</i>

Table 2. 2002 State Noxious Weed List - Class B Weeds (continued from page 8)

Common name	Scientific name	Common name	Scientific name
Elodea, Brazilian	<i>Egeria densa</i>	Primrose, water	<i>Ludwigia hexapetala</i>
Fanwort	<i>Cabomba caroliniana</i>	Puncturevine	<i>Tribulus terrestris</i>
Fieldcress, Austrian	<i>Rorippa austriaca</i>	Ragwort, tansy	<i>Senecio jacobaea</i>
Floating heart, yellow	<i>Nymphoides peltata</i>	Sandbur, longspine	<i>Cenchrus longispinus</i>
Gorse	<i>Ulex europaeus</i>	Skeletonweed, rush	<i>Chondrilla juncea</i>
Hawkweed, mouseear	<i>Hieracium pilosella</i>	Sowthistle, perennial	<i>Sonchus arvensis</i> ssp. <i>Arvensis</i>
Hawkweed, orange	<i>Hieracium aurantiacum</i>	Spurge, leafy	<i>Euphorbia esula</i>
Hawkweed, polar	<i>Hieracium atratum</i>	Starthistle, yellow	<i>Centaurea solstitialis</i>
Hawkweed, smooth	<i>Hieracium laevigatum</i>	Swainsonpea	<i>Sphaerophysa salsula</i>
Hawkweed, yellow	<i>Hieracium caespitosum</i>	Thistle, musk	<i>Carduus nutans</i>
Hedgeparsley	<i>Torilis arvensis</i>	Thistle, plumeless	<i>Carduus acanthoides</i>
Helmet, policeman's	<i>Impatiens glandulifera</i>	Thistle, Scotch	<i>Onopordum acanthium</i>
Herb Robert	<i>Geranium robertianum</i>	Toadflax, Dalmatian	<i>Linaria dalmatica</i> ssp. <i>dalmatica</i>
Houndstongue	<i>Cynoglossum officinale</i>	Watermilfoil, Eurasian	<i>Myriophyllum spicatum</i>
Indigobush	<i>Amorpha fruticosa</i>		
Knapweed, black	<i>Centaurea nigra</i>		
Knapweed, brown	<i>Centaurea jacea</i>		
Knapweed, diffuse	<i>Centaurea diffusa</i>		

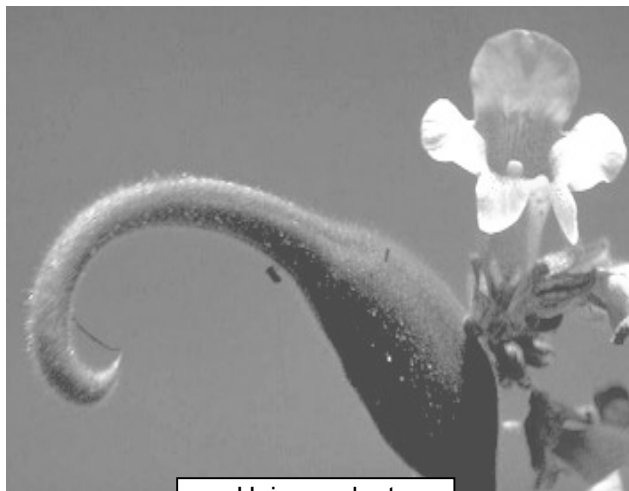
Washington has 25 Class C noxious weeds. Each species is already widely established in Washington or of special interest to the state's agricultural industry. Placement on the state noxious weed list allows counties to enforce control if locally desired. Other counties may choose simply to provide education or technical consultation to county residents. Canada thistle, a Class C noxious weed, illustrates the desirability of a law that provides local flexibility. This species is widely established in Washington, and most counties prefer to provide technical consultation to landowners on methods of suppression and control. However, enforcement of control is the preferred policy in counties where certified seed is grown.



English Ivy

Table 3. 2002 State Noxious Weed List - Class C Weeds

Common name	Scientific name	Common name	Scientific name
Babysbreath	<i>Gypsophila paniculata</i>	Old man's beard	<i>Clematis vitalba</i>
Bindweed, field	<i>Convolvulus arvensis</i>	Poison-hemlock	<i>Conium maculatum</i>
Canarygrass, reed	<i>Phalaris arundinacea</i>	Rye, cereal	<i>Secale cereale</i>
Cockle, white	<i>Silene latifolia</i> ssp. <i>alba</i>	Spikeweed	<i>Hemizonia pungens</i>
Cocklebur, spiny	<i>Xanthium spinosum</i>	St. Johnswort, common	<i>Hypericum perforatum</i>
Cress, hoary	<i>Cardaria draba</i>	Tansy, common	<i>Tanacetum vulgare</i>
Dodder, smoothseed alfalfa	<i>Cuscuta approximata</i>	Thistle, bull	<i>Cirsium vulgare</i>
Goatgrass, jointed	<i>Aegilops cylindrica</i>	Thistle, Canada	<i>Cirsium arvense</i>
Hawkweed, spp*	*Non-native <i>Hieracium</i>	Toadflax, yellow	<i>Linaria vulgaris</i>
Henbane, black	<i>Hyoscyamus niger</i>	Water lily, fragrant	<i>Nymphaea odorata</i>
Iris, yellow flag	<i>Iris pseudocorus</i>	Whitetop, hairy	<i>Cardaria pubescens</i>
Ivy, English	<i>Hedera hibernica</i> , <i>Hedra helix</i> <i>Baltica</i> ; <i>Hedra helix</i> <i>Pittsburgh</i> , <i>Hedera helix</i> <i>Star</i>	Wormwood, absinth	<i>Artemisia absinthium</i>
Mayweed, scentless	<i>Matricaria perforata</i>		



Unicorn-plant

The Board also maintains a monitor list of non-native species. Reasons for inclusion on the monitor list include: information indicating the species poses a potential threat; a need for additional information on distribution, abundance or biology; a need to monitor for reoccurrence; a need to verify the existence or identification of a species or to obtain a specimen; or the existence of a species in an adjacent state or province that is not known to occur in

Washington. Information collected on monitor list species may be used to justify future inclusion on the state noxious weed list. There is no regulatory aspect to the monitor list.

Table 4. 2002 Monitor List

Common name	Scientific name	Common name	Scientific name
Bedstraw, foothills	<i>Galium pedemontanum</i>	Matgrass	<i>Nardus stricta</i>
Bladderwort, swollen	<i>Utricularia inflata</i>	Mullein, common	<i>Verbascum thapsus</i>
Bursage, skeletonleaf	<i>Ambrosia tomentosa</i>	Peganum	<i>Peganum harmala</i>
Cattail, lesser	<i>Typha angustifolia</i>	Pheasants-eye	<i>Adonis aestivalis</i>
Cinquefoil, silvery	<i>Potentilla argentea</i>	Reed, common	<i>Phragmites australis</i>
Crosswort, narrowleaved	<i>Crucianella angustifolia</i>	Rupturewort	<i>Herniaria cinerea</i>
Deadnettle, hybrid	<i>Lamium hybridum</i>	Thistle, distaff	<i>Carthamus lanatus</i>
Fatoua	<i>Fatoua villosa</i>	Unicorn-plant	<i>Proboscidea louisianica</i>
Fieldcress, creeping	<i>Rorippa sylvestris</i>	Verbena, tall	<i>Verbena bonariensis</i>
Halogeton	<i>Halogeton glomeratus</i>	Watercress	<i>Rorippa nasturtium-aquaticum</i>
Inula	<i>Inula helenium</i>	Waterhyacinth	<i>Eichornia crassipes</i>
Knapweed, featherhead	<i>Centaurea tricocephala</i>	Willow-herb, hairy	<i>Epilobium hirsutum</i>
Mallow, Venice	<i>Hibiscus trionum</i>		

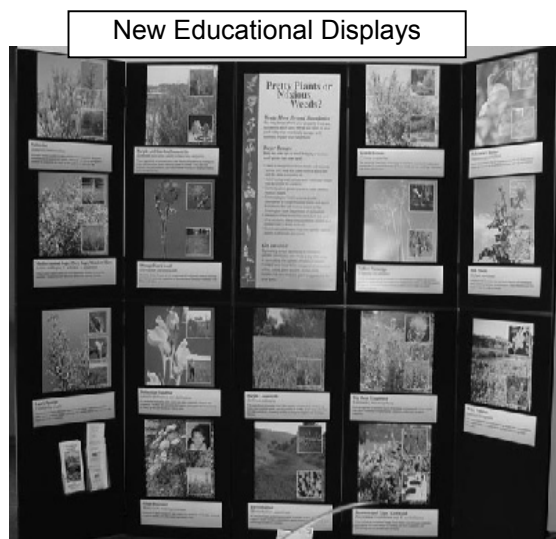
WASHINGTON STATE NOXIOUS WEED CONTROL BOARD

The Board serves as the state's noxious weed coordination center. Through its actions and policy decisions, it serves to coordinate and assist the activities of 48 county noxious weed control boards and weed districts in Washington. Together, the state and local programs leverage and direct the much-larger total weed control efforts funded by property owners.

Program Status: The Board experienced significant change in its staff, operations and facilities during the past biennium. Beginning in May of 2001, the Board experienced 100% turnover in its 2.4 person staff. Also in May of 2001, the Board office was moved from its longtime home in Kent to Puyallup. Two months later, it was moved to the Natural Resources Building in Olympia. The Executive Secretary position was vacant from July of 2001 to mid-October 2002. The Education Specialist position, the only other full-time position with the Board, was vacant from May of 2001 until March of 2002.

It was in September of 2001, during the period of State Weed Board staff vacancies, that Kudzu was discovered in Clark County. Although Clark County staff issued an alert to state government, that message did not get relayed to weed professionals statewide until later, when the Board staff had been re-established. This event illustrates the key role that the small Board staff plays in the much larger statewide weed control network.

Education: Under Chapter 17.10 RCW, the Board is required to *"disseminate information relating to noxious weeds to county noxious weed control boards and weed districts and ...work to coordinate the educational and weed control efforts of the various county and regional noxious weed control boards and weed districts."* (RCW 17.10.070). The Board's education program has focused on increasing the awareness of exotic species and their associated threats by providing information to the general public and others. The education program has included:

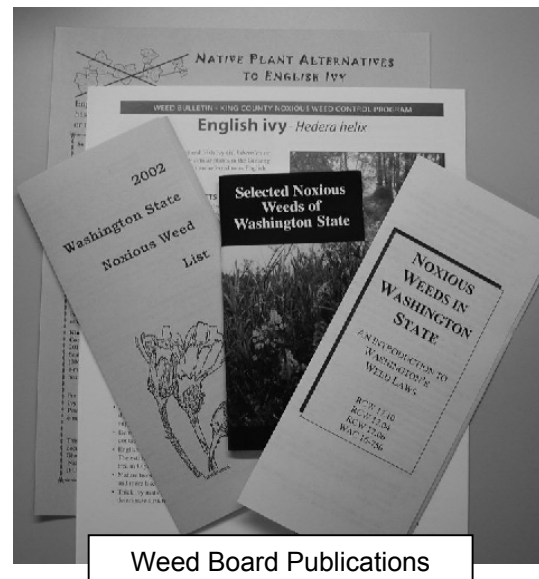


- Plant identification classes for county weed board and weed district staff, as well as local, state, and federal agency and tribal resource managers;
- Training for 6th-12th grade teachers on incorporating noxious weeds into their curricula;
- Assistance with county workshops to educate local citizens on weed identification and control;
- Hands-on weed identification training for volunteer groups, such as Master Gardeners;

- Presentations on noxious and quarantined ornamental plants for WSDA nursery inspectors and community college horticulture classes;
- Continuing education for vegetation management professionals at conferences, such as the Washington State Weed Association Annual Conference.
- Assistance in development of weed education materials for fifth grade students through the nonprofit organization Ag. in the Classroom.
- Staffing of a weed education display at the Northwest Flower & Garden Show, which annually draws attendance of up to 80,000.

This biennium, Kathy Hamel, one of the Board's scientific advisors, volunteered to help update the Board's web page, which serves as a central storehouse of information on the Board, state weed laws, county weed programs, and noxious weed biology and control. The web site has also been moved to a new location, which allows direct and frequent maintenance and updating by Board staff, and it can now be found at <http://www.nwcb.wa.gov>. The site features detailed information and color photographs of the state's noxious weeds. Many educational materials are included on the site and can be downloaded directly. The web site has become a popular resource for weed professionals, as well as the general public.

The Board also worked to provide printed educational materials. Staff worked with counties and districts this biennium to organize a group purchase of the popular booklet, "Selected Noxious Weeds of Washington State." Forty-four agencies combined their orders to purchase 62,000 copies of the publication, which features color pictures and descriptions of 48 noxious weed species. The result of this effort was that all of the public agencies paid a unit price for the books that was a fraction of what would have otherwise been required. Staff also collaborated this biennium to design a new bulletin explaining the new listing of four cultivars of English ivy as class "C" noxious weeds. All materials include color weed photos, along with information on identification and control. These materials were shared with county weed boards and weed districts. In addition, the Board produces a quarterly "Update" on noxious weed issues and activities that is distributed around the state. To reach a broader audience, information is also provided to newspapers, resulting in informative articles on noxious weeds.





Parrotfeather

The sale of noxious weeds as ornamentals continues to be a problem. Although the sale of many noxious weed species has been prohibited in Washington for several years, the task of informing all vendors is enormous. Over the past biennium, staff has provided training to Department nursery inspectors, so the inspectors can be familiar with quarantined plants that may not be sold in nurseries. The Board also monitors mail order catalogs for the sale of noxious weeds. An educational letter, explaining the problems associated with noxious weeds and the Department's quarantine regulations, is sent to companies that are selling noxious weeds. In the coming months, the Board plans to send another

educational mailing to all licensed nurseries in Washington, continuing an effort to make them aware of noxious weed quarantines and recent changes to the regulations. A Board staff member has been named to the search committee to replace a key horticulturist at the WSU Extension Service. In addition, the Board continues recruiting efforts to re-fill the "horticulture industry representative" seat on its Noxious Weed Committee.

The education program also offers technical and scientific research support to the noxious weed listing process. The Board is charged with maintaining written findings on all species on the state noxious weed list. Written findings serve as a summary of available information on a weed species' history, distribution, biology, and control. All written findings are made available on the Board's web page.

Education and public awareness will continue to be an important part of the Board's programs. Support for noxious weed boards has primarily come from the agricultural sector and this remains an important base of support. Many citizens and elected officials not involved in agriculture or natural resource protection are not aware of the resource damage caused by noxious weeds. Education and outreach to this broad range of interest groups and citizens will broaden the base of support for noxious weed control efforts and develop coalitions between agricultural and non-agricultural interest groups.

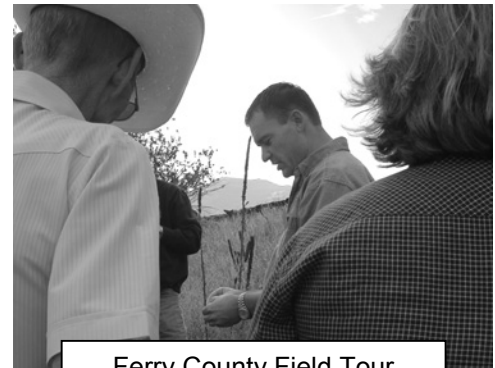
Support for County Boards and Districts: Supporting and assisting county weed boards and districts is one of the Board's highest priorities. Service to them can take many forms. The following is a sample of the Board's support activities during the current biennium:

- Advised San Juan, Lewis, Pend Oreille, Kitsap and Snohomish Counties and others on assessment funding and provided them with statewide assessment data. Participated in assessment-related public events in several of these counties.

- Produced eight new educational displays for county and district weed programs to use at public events around the state.
- Assisted with field days for counties and districts to collect and redistribute biological control insects for purple loosestrife.
- Researched answers to questions that county and district weed staffs had about state laws governing assessment funding.
- Provided a staffed exhibit at the first-ever combined conference of the Washington State Association of Counties and the Washington Association of County Officials, to education attendees on weed issues and responsibilities.
- Gave Island County input on the legitimate role of pesticides in Integrated Pest Management.
- Organized weed-control field tours in Walla Walla and Ferry Counties, to foster information sharing among weed control professionals.
- Worked to resolve potential disputes between counties or their citizens and state agencies, specifically WDFW, DNR and DOT.
- Joined an effort guiding the U.S. Forest Service's review of its weed control practices, to address concerns that insufficient controls impact adjacent counties.
- Sponsored educational sessions at Board meetings, including one on the weed control aspects of the Conservation Reserve Enhancement Program.



Purple loosestrife
biocontrol collection



Ferry County Field Tour
looking at biocontrol agent
for Spotted knapweed

Special Projects of Statewide Benefit: For the past eight years, the Board has dedicated funds to special projects of statewide benefit. The Board funded the following projects in 2001-2002:

- Eggleaf spurge eradication in San Juan County.
- Saltcedar control/eradication in the Columbia Basin.
- Publication of recently-developed educational booklets and bulletins on noxious weeds.
- Survey for leafy spurge entering the state from Canada on the Kettle River, which flows into the Columbia River system.



Eggleaf spurge

- Research on potential hawkweed biological control insects.
- Production assistance for a video on invasive broom species and control methods.
- Control work and research on weed-related threats to the rapidly-disappearing shrub-steppe habitat

Strategic Planning: The Board constructs an annual strategic plan to focus the limited resources of the Board on priority projects. The strategic planning process provides an opportunity for the Board to set specific priorities, and to furnish staff with a clear, consistent directive for carrying out daily work.

A summary of the 2002 to 2003 strategic plan is included in Table 5.

Table 5. Strategic Plan Summary for 2002-2003

<i>Mission Statement: To serve as responsible stewards of Washington by protection and preserving the land and resources from the degrading impacts of noxious weeds.</i>
Goal #1: To monitor, document, and classify noxious weeds in Washington
Outcome Measure for Goal #1: 2003 state noxious weed list and monitor list.
<i>Objective 1: Review, revise, and adopt the state noxious weed list.</i>
<i>Task 1: Review existing list</i>
<i>Task 2: Review requests for changes and information on newly introduced species.</i>
<i>Task 3: Adopt annual state weed list</i>
<i>Objective 2: Monitor progress of Class A and B-designate weeds.</i>
<i>Task 1: Compile report on number and location of each Class A weed.</i>
<i>Task 2: Summarize control action on each Class A site.</i>
<i>Task 3: Annual summary of Class A weed control</i>
<i>Task 4: Assist counties and weed districts in Class A and B designate eradication and control.</i>
<i>Objective 3: Review, revise, and update written findings and documentation on the state-listed noxious weeds.</i>
<i>Task 1: Update written findings and draft findings for any proposed new weeds.</i>
<i>Task 2: Obtain annual status report on monitor list species</i>
Goal #2: To have activated and funded noxious weed control boards or districts in every county in Washington
Outcome Measure for Goal #2: One new activated and funded county noxious weed control board.
<i>Objective 1: Assist counties in implementing noxious weed program funding.</i>
<i>Task 1: Provide information and assistance to counties pursuing funding.</i>
<i>Objective 2: Advise state legislators and legislative staff on the threat noxious weed invasions pose to the resources of Washington, noxious weeds as a stewardship issue, and the statewide benefits provided by WSNWCB programs.</i>
<i>Task 1: Update appropriate legislative committee chairs on weed issues biennially, by Jan.1, 2003.</i>
<i>Task 2: Develop a summary of accomplishments</i>
<i>Objective 3: Support enforcement of the state noxious weed control law and regulations by WSDA in those counties where complaints are filed.</i>
<i>Task 1: Advise WSDA on all complaints filed against counties</i>
<i>Task 2: Assist counties that are subject of complaints</i>

<i>Objective 4: Activate one noxious weed control board</i>
<i>Task 1: Advise WSDA to monitor and enforce on Class A and B designates in Mason, Kitsap or Douglas County</i>
Goal #3: To improve statewide noxious weed education and public awareness programs and to meet public and agency demands for information on the state's noxious weeds, noxious weed laws and regulations, and integrated weed management
Outcome Measure for Goal #3: Process legislative and public requests for information within one week.
<i>Objective 1: Develop and distribute education materials and media releases on noxious weed species, state weed laws and regulations, and integrated weed management.</i>
<i>Task 1: Respond to all information requests</i>
<i>Task 2: Update and distribute the coordinators handbook.</i>
<i>Task 3: Produce and distribute Coordinators' Newsletter</i>
<i>Task 4: Develop regional press releases as needed</i>
<i>Task 5: Maintain State Weed Board web page</i>
<i>Objective 2: Assist local weed board and weed district staff, state and federal land managers, and citizen groups in noxious weed identification and integrated weed control measures.</i>
<i>Task 1: Hold two regional plant identification sessions for co. weed boards, weed districts and other interested parties</i>
<i>Task 2: Give educational presentations targeted to various audiences.</i>
<i>Task 3: Assist counties and weed districts in integrating control programs.</i>
<i>Task 4: Support weed awareness week</i>
<i>Task 5: Work with nursery industry to share information on noxious weed biology, control, and quarantines</i>
<i>Objective 3: Support enforcement of 17.04, 17.06, and 17.10 by counties and weed districts</i>
<i>Task 1: Hold educational seminars regarding enforcement at weed coordinators' conference</i>
Goal #4: To establish and maintain successful working relationships with federal, tribal, state, county and district land management agencies and to help secure adequate funding for weed control on these lands in Washington.
Outcome Measure for Goal #4: Statewide funding summary, including all agencies.
<i>Objective 1: Facilitate coordination of non-native species programs with other agencies.</i>
<i>Task 1: Request a funding and accomplishment summary from state and federal agencies and tribes</i>
<i>Task 2: Meet annually with state agency weed contacts</i>
<i>Task 3: Participate in appropriate interagency and other working groups/coalitions that include noxious weed control as an objective as time allows</i>
<i>Objective 2: Assist in securing adequate noxious weed control funding for state and federal agencies and tribal councils.</i>
<i>Task 1: Support other agency noxious weed control budgets</i>
<i>Task 2: Petition Congress to add weed control as a line item in budgets of agencies involved in land management.</i>
Goal #5: To Maintain a legal and professional Board and staff
Out come Measure for Goal #5: Comply with State and Federal law.
<i>Task 1: Conduct required training for Board – Sexual harassment, Ethics</i>
<i>Task 2: Establish schedule of required training for staff</i>

COUNTY NOXIOUS WEED CONTROL BOARDS AND WEED DISTRICTS

The Washington State Legislature recognized the importance of noxious weed control by creating a noxious weed control board in each county, which must be activated by the county legislative authority. The Board believes, like the Washington State Legislature, that noxious weed control is best carried out by strong, adequately funded programs at the local level.

Program Status: Currently, 37 of 39 counties in Washington have activated their county noxious weed control boards. Eleven small noxious weed control districts, formed under chapters 17.04 and 17.06 RCW, are still in operation. These programs operate similarly to county weed boards, and many cooperate closely with their local county weed board.

Two counties remain without county weed boards: Mason and Douglas. The absence of local noxious weed programs in these counties continues to impede the development of a comprehensive statewide noxious weed control program. In these counties, some of Washington's most serious noxious weeds may become well established before they are detected. Failure to control new invaders in these counties will continue to diminish the investment of all those counties in Washington that have recognized their stewardship responsibility and developed their noxious weed control programs.

As the biennium came to a close, the Mason County Board of County Commissioners was recruiting board members for an anticipated re-activation of that county's long-dormant weed board.

In counties without activated weed boards, the Department has regulatory responsibility. Because resources are limited, weed control in these counties is largely in response to complaints after a problem has become serious. Prevention, early intervention, and technical assistance for landowners are currently lacking in these counties.

Douglas, Mason, Kitsap and Walla Walla counties were all subjects of inter-county complaints in recent years. Neighboring county weed boards complained to the Department about the failure of these counties to control their noxious weeds. More details on these complaints can be found in the section of this report, entitled "Washington State Department of Agriculture."

County noxious weed control boards enhance local understanding and generate local commitment towards the control of noxious weeds. The law provides important flexibility for the development of local noxious weed programs, which can respond more effectively to special local needs. This local flexibility is provided by the Class C and Class B non-designate noxious weed lists. Counties may select species from these lists for mandatory control in all or part of the county if that is a local priority. County boards may also design survey and educational programs that best fit the county. This flexibility allows for finely tailored local regulation and the best protection of a county's resources.

Local Funding: Adequately funded noxious weed control boards are essential to the successful implementation of a statewide noxious weed control program. Among the 48 county noxious weed control boards and weed districts in Washington, a significant discrepancy remains in the adequacy of their operational budgets. Annual county operational budgets range from a low of \$6,500 to a high of \$959,000. Over 35 percent of the county noxious weed control boards have annual operating budgets of less than \$75,000. Many of these counties can employ only one part-time or seasonal employee. With this level of staffing, it is impossible to regularly inspect all lands for new invaders or to ensure their control. It is exceedingly difficult for these counties to comply with the state's noxious weed law with their current budget and staffing levels.

County noxious weed control boards can be funded through the county current expense or general fund or through an assessment on land. The Board has found that, with one or two exceptions, those counties with weed assessments are the counties with the most stable and effective noxious weed control programs. Currently, just over half of the county noxious weed control boards in Washington are funded by assessment.

In the general election of 2002, voters in San Juan County approved an assessment for noxious weed control. The issue had been submitted to voters by the Board of County Commissioners. State law empowers county legislative authorities to implement such assessments. However, the success of anti-tax initiatives in recent years has made some county legislators hesitant to use that authority.

As the biennium came to a close, six counties were in some stage of development or consideration of a weed control assessment.

Also at the end of the biennium, Congress was working on two bills that would provide federal funding through state governments to local weed management entities. As of late November 2002, S.198 had been approved by the Senate and HR 1462 was being considered in the House of Representatives. While the bills did not become law before Congress adjourned, the weed control community is hopeful that they will progress to enactment in the next Congress.

STATE AGENCIES' FUNDING OF NOXIOUS WEED CONTROL

For the biennium, the Washington State Department of Transportation's plan for noxious weed control was approximately \$4.15 million.

For the 01/03 biennium, the Washington State Department of Fish and Wildlife weed control budget was \$941,000.

The Washington State Department of Natural Resources reported that it spends \$800,000 per year, or \$1.6 million per biennium, on noxious weed control.

The Washington State Parks Department currently devotes about \$75,000 annually, plus staff time, to the control of noxious weeds.

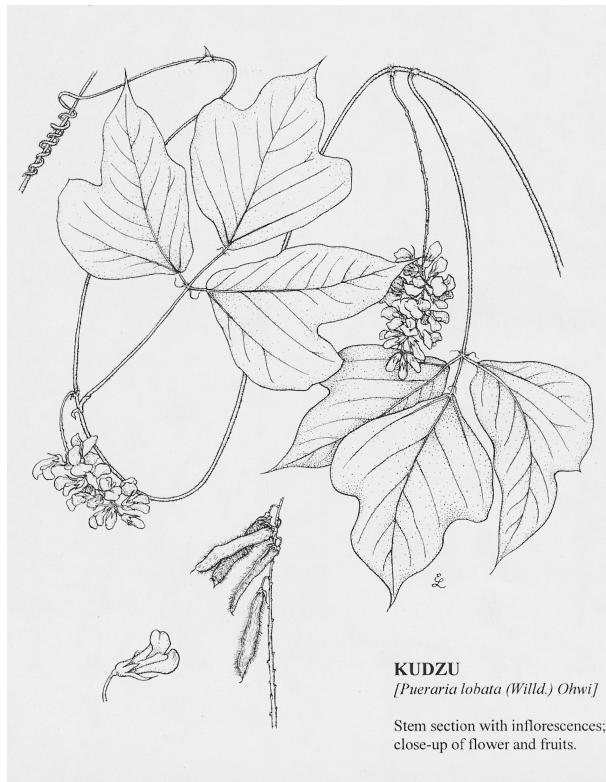
The noxious weed control budget of the Washington State Department of Agriculture is shown in Table 6, and is discussed in the WSDA section of this report.

SUCCESS STORIES

In spite of resource limitations, Washington State's noxious weed control system achieved some impressive successes in the biennium. Just a few of them are digested here.

Kudzu Eradicated In Clark County!

Kudzu, the most notorious noxious weed in the U.S. Southeast, rendering millions of acres of land useless and costing \$50 million annually, was discovered in Washington State during the past biennium.



A foreign vine capable of growing 60 feet in a single year, kudzu is so aggressive it covers and smothers all other plants in its path, resulting in solid single-species stands, eliminating native species and natural diversity.

In September of 2001, a Vancouver homeowner became concerned about the vine growing on her back fence. Its rapid growth made the potential for spreading into adjacent woodlands a concern.

The plant was shown to local Master Gardener Coordinator Celeste Lindsey, a past member of the Clark County Noxious Weed Control Board, who made the initial identification of the plant as kudzu.

Members of the Clark County

Noxious Weed Control Board staff visited the site and surrounding properties. No further infestations were found, and the decision was made to eradicate the kudzu.

Offender work crews removed and bagged all of the vegetation, which was then buried in a landfill. Herbicides approved by EPA and WSDA were applied to the root crowns. Inspections during the 2002 growing season found no re-growth.

The Washington State Noxious Weed Control Board shared news of the infestation, along with photos and descriptions of kudzu, with coordinators in all counties and weed districts. Kudzu was added to the educational materials displayed at public events around the state.

In May 2002 the WSDA issued a quarantine against the sale or transport of kudzu. Kudzu was proposed as a Class "A" noxious weed.

Education Thwarts a Comeback By African Rue

Toxic to the point of being lethal to livestock, African rue was discovered in Grant County in 1986 and subsequently placed on the Noxious Weed List.

Control measures were undertaken. Because African rue has a root system that can reach a length of 20 feet, and each plant produces thousands of seeds per year, it was 10 years later, in 1996, when the last plants were removed. Having been eradicated, African rue was removed from the Washington State Noxious Weed List in 2000.

Then, in 2001, apparently as a result of contamination of garden seed, a single African rue plant was found growing near Moses Lake. The Grant County Noxious Weed Control Board provided the property owner with information about the invasive potential of the plant. The property owner voluntarily removed the plant, and the potential comeback of a noxious weed was averted.

Spurge Corralled in San Juan

Eggleaf spurge is closely related to, and acts similar to, leafy spurge, a noxious weed that has devastated vast tracts of the Great Plains. In North Dakota, economic studies revealed that allowing it to grow out of control costs the state \$168 million annually, equating to an elimination of 2000 jobs.

In 1997, an Orcas Island resident brought this plant to the attention of Island County Weed Coordinator Rich Lee. The plant already covered several thousand square feet.

The Washington State Noxious Weed Control Board declared eggleaf spurge a Class "A" Noxious Weed.

Although herbicide treatment was strongly urged, the property owner preferred manual control. Hand digging, pulling and heat treatment were begun.

The control effort has continued annually, with a \$500 grant from the Washington State Noxious Weed Control Board's Special Projects fund. That program focuses limited resources on "projects of statewide significance," like this one, which protects the rest of the state from an alien invader. The funds are matched by the County Land Bank.

Gradually the number of seedlings has diminished. This year's weekly site visits found zero to five seedlings per week. An outbreak on neighboring private land is being actively controlled by the property owner, as required by state law.

When discussing the prospects for eradication of eggleaf spurge, Lee points out that the seed is thought to have a longevity in the soil similar to leafy spurge, that being eight to ten years. While the threat has not yet been removed, Lee says, "We are close."

Quick Action Beats Camelthorn in Chelan County

Camelthorn is a severe rangeland pest in Texas and other areas, where its spine-tipped branches injure animals and seven-foot-deep roots make it difficult to control.

This tenacious Russian native infests only limited areas of Washington State, where its designation as a Class “B” Noxious Weed is intended to prevent its spread.

In the summer of 2002, managers of the Chelan County Public Utility District brought an unfamiliar plant to the attention of the Chelan County Noxious Weed Control Board. The invader was identified as camelthorn.

Within 96 hours, the Public Utility District had treated the 15-acre infestation with herbicides approved by the EPA and WSDA.

Brochures and two articles in the *Wenatchee World* involved local citizens in the search for additional camelthorn infestations, and raised public awareness of the need for vigilance against noxious weeds.

Persistence Pays Off Against Toxic Tansy

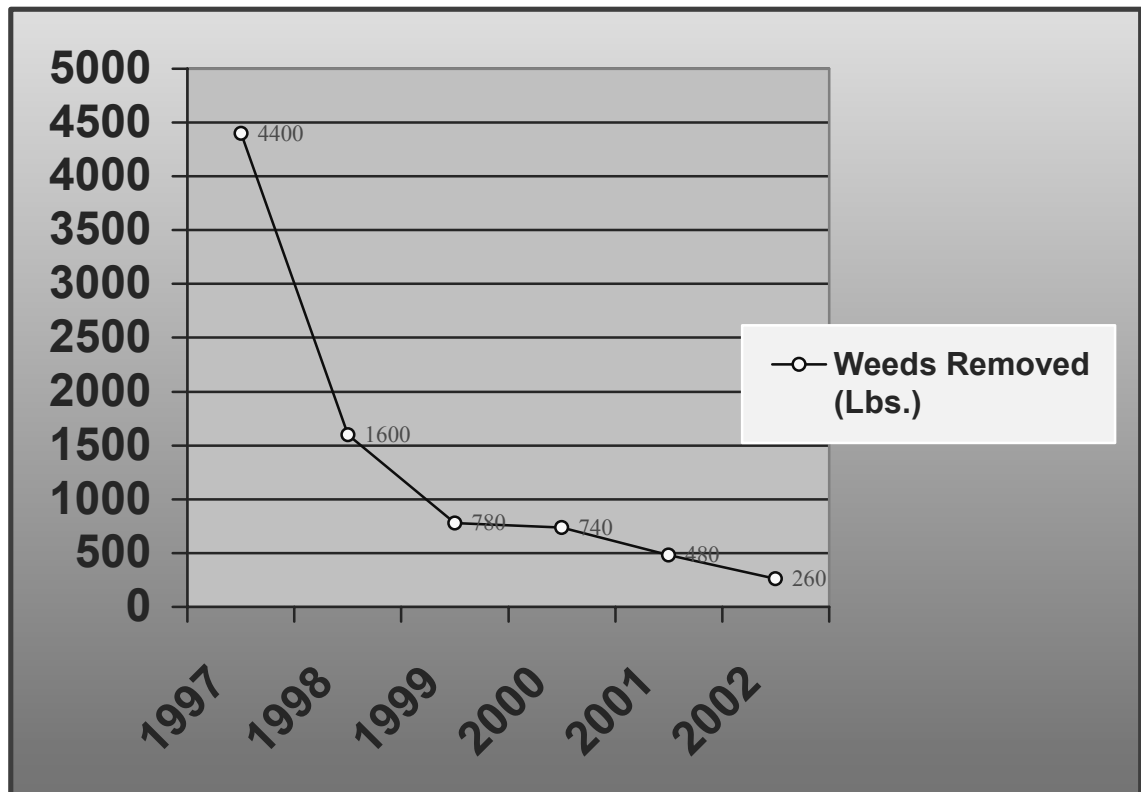
When the Whatcom County Noxious Weed Control Board first teamed with the U.S. Forest Service and the Washington State Department of Fish and Wildlife in 1993 to clear 13 miles of SR 542 of tansy ragwort, 12 workers couldn’t finish the job in five days. In 1997, they removed 4,400 pounds of the toxic weed, which is poisonous to horses and cattle.

Since a single plant can produce thousands of seeds, which remain viable in soil for over 10 years, persistence was required to remove each year’s flower crop before new seeds could be produced.

Last year, the highway was “tansy free” after five workers spent less than three hours pulling it. The plants removed totaled 260 pounds. The mass of noxious weeds present had been reduced by 93 percent from earlier levels.

“An extensive infestation has been turned into a small maintenance project,” said Laurel Shiner, Whatcom County Weed Coordinator.

Mt. Baker Hwy - Tansy Ragwort Removal Project, 1997-2002



Source: Whatcom County Noxious Weed Control Board

Agencies and Insects Team Up Against Purple Loosestrife

In 1963, an experimental planting of purple loosestrife was made near the Winchester Wasteway in Grant County, to test the plant's potential as bee forage. By 1977, the nine-foot aquatic plants covered ten acres. Twenty years later, in 1997, 8,000 acres of the Winchester and Frenchman Hills wasteways were unavailable to wildlife, agriculture or other uses, as purple loosestrife occupied the entire area.

With few effective treatment options, a multi-agency task force directed funding to research screening of bio-control insects. In 1992, three beetles were released on the purple loosestrife. One of these, *Galerucella californiensis*, has killed so much purple loosestrife through its feeding that the weed's acreage has been greatly reduced as the beetle's numbers have increased.

By 1998, the beetles were plentiful enough that the Washington State Noxious Weed Control Board teamed with WSDA and the U.S. Bureau of Reclamation to organize collection events to spread the beetles to other purple loosestrife infestations. Collection events were continued this biennium. Over half the counties in the state have participated, as have weed control officials from

Oregon, Idaho, Montana, California, Colorado, New York, New Jersey, Wisconsin and Wyoming.

A small investment in bio-control research continues to pay large dividends in effective management of a weed that is difficult to control with conventional methods.

Federal Cooperation Increases County Success

Extra weed control, survey work and public education is taking place in Lewis County and other locations with federal funding designed to link Forest Service land and nearby local communities.

About 2500 miles of forest road have been surveyed for noxious weeds as part of the \$50,000 program recently in Lewis County, while inmate crews and others have controlled Scotch broom and other species. Education efforts have targeted local residents and outdoor enthusiasts enjoying the Gifford Pinchot National Forest. Weed removal in some sections was followed by re-seeding with native species to prevent erosion.

The Lewis County Noxious Weed Control Board recently received approval for another \$47,000 in federal funds. Many other counties are similarly involved in the program.

Diverse Taskforce Continues Gains on Saltcedar

When saltcedar moves in, streamside areas lose their willows, cottonwoods and other native plants, as well as the birds and animals that depend on them. Exuding salt from its scale-like foliage, consuming 200 gallons of water a day and producing hundreds of thousands of seeds per year, a single saltcedar quickly eliminates other plants and can lower underground water levels

In the 1980's it was discovered that extensive areas of south central Washington State were infested with saltcedar, and it was added to the Noxious Weed List.

State, federal and other agencies and organizations formed the Saltcedar Taskforce to coordinate control, exchange information and seek grants and other funding. Over 500 acres of land administered by the Washington State Department of Fish and Wildlife was treated and controlled during the 1997-1999 biennium alone.

Today, the largest original infestations are gone, although some substantial stands await control. To protect earlier investments, new plants and small patches are located and treated each year. The Washington State Noxious Weed Control Board is an integral part of the Saltcedar Taskforce, and provided WDFW with a \$5,000 control grant in 2002.

The Saltcedar Taskforce is considered a model for mobilizing a cooperative effort against an invasive species across multi-jurisdictional boundaries.

Northeast Counties and Tribe Winning With Bio-Controls

Insects are replacing or supplementing chemical pesticides to control weeds that threaten native grasslands in Ferry, Stevens, Pend Oreille and Okanogan Counties and on the Colville Indian Reservation.

Northeastern Washington faces an invasion of diffuse and spotted knapweeds, St. Johnswort, houndstongue, orange and meadow hawkweeds and Dalmatian toadflax. These weeds destroy biological diversity, decrease forage, increase erosion and decrease land values on the grasslands that are vital for the health of wildlife, livestock and the watershed.

Since 1999, Dan Fagerlie of the WSU Cooperative Extension has worked with the U.S. Forest Service and the Ferry, Okanogan, Stevens and Pend Oreille County Cooperative Extensions and Weed Boards to expand the use of biological control agents. More than 185,000 insects were released at 516 sites from 1999 to 2002. Over 61,000 insects were released at 160 sites in 2002.

Substantial reductions in weed populations have occurred in many areas. Some sites feature more native grasses than have been witnessed in 20 years or more. Weed control spending and pesticide applications are decreasing as the insects perpetuate themselves.

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Editor's note: This section of the report was authored by the WSDA.

The Washington State Department of Agriculture's noxious weed program is composed of two staff positions. One of these positions, the Weed Specialist, is based in Yakima and coordinates the department's noxious weed programs and projects (with exception of the *Spartina* eradication program). The other position is the Statewide *Spartina* Coordinator, who coordinates a legislatively mandated program to eradicate the invasive non-native aquatic plant *Spartina*. The *Spartina* coordinator is based in Olympia. In addition, the Department employs an Integrated Pest Management Coordinator who also assists in the *Spartina* program as needed. The Department hires short term, intermittent employees and utilizes volunteers to assist with individual projects.

The Noxious Weed Act (RCW 17.10) authorizes the Department to address disputes between activated county noxious weed control boards. There are currently four inter-county complaints being addressed by the Department. The first is a dispute between the Franklin County Noxious Weed Control Board and the Walla Walla County Noxious Weed Control Board. The Franklin County Board complains there is a lack of adequate control of yellow starthistle in Walla Walla County along the border between the two counties. The second is a complaint against Kitsap County by the Pierce County Board concerning the lack of adequate noxious weed control in Kitsap County. The third complaint was lodged by the Pierce County and Grays Harbor County Boards against Mason County again concerning lack of noxious weed control in that county. The fourth complaint was filed against Douglas County by several adjacent counties concerning Douglas County's noxious weed control efforts. The four complaints are currently at varying stages of resolution.

The Department is involved in a number of cooperative projects with other government agencies that benefit the state weed program. The Department's Weed Specialist works closely with the Bureau of Land Management (BLM) on noxious weed survey and control projects on BLM administered lands. This work is conducted with funding received from a five year, \$162,000 contract with BLM that was renewed in 2002. The Department purchased or collected thousands of biological control agents for release on BLM lands using these funds. These bio-agents spread onto neighboring lands helping to control infestations in these areas as well. These sites also serve as nursery sites for redistribution to other parts of the state, augmenting our statewide biological control program. The Department also administered contracts for herbicide applicators to treat 20 BLM project areas in 2001 and 2002.

The Department's Weed Specialist serves on numerous committees, task forces and working groups related to noxious weed issues in Washington State. These include the Washington Rangeland Committee, the Coordinated Resource

Management Task Group, the Skagit River Cooperative Weed Management Area, the Moses Coulee Weed Management Area, the Tri-State Cooperative Weed Management Area, the Yakima River Task Force, the Chehalis River Task Force, the Saltcedar Task Force, the Noxious Emergent Plant Working Group, the Noxious Weed Biological Control Working Group, and others. The Weed Specialist is also involved with groups at the regional and national levels including serving on committee's of the North American Weed Management Association, the Western Society of Weed Science and the Western Weed Coordinating Committee among others.

The Department continues to take the lead in mapping of weed infestations in Washington State. Distribution maps of Washington's noxious weed species were completed and made available to the public in 2002 and will be refined and updated annually. A move to ArcView software is planned for 2003 that will allow for assimilation of data collected by other entities into WSDA's database.

WSDA holds a National Pollutant Discharge Elimination System (NPDES) permit issued under authority of the federal Clean Water Act for treating noxious and quarantine weeds growing in or near water with herbicides. This action was in response to a determination by the Ninth Circuit Court of Appeals that the application of an herbicide in compliance with the labeling requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) did not exempt an irrigation district from obtaining an NPDES Permit to control aquatic vegetation. WSDA provides coverage under this permit at no cost to agencies and individuals who wish to control noxious and quarantine weeds in or near water in compliance with terms of the permit. Coverage was granted to 92 separate cooperators in 2002. As required in the permit, WSDA is developing monitoring plans and integrated vegetation management plans for some types of applications, to be implemented in 2003.

In 2001, WSDA continued to contract with Dr. Gary Piper of Washington State University to raise, collect and release biological control agents for purple loosestrife in Washington State. Several thousand insects were raised and released on purple loosestrife infestations in 2001. These biological control agents had a significant impact on the purple loosestrife in many areas, particularly the Winchester Wasteway area in Grant County. The impact in this area is especially visible as hundreds of acres of loosestrife plants show significant feeding damage from the beetles. WSDA cooperates with the WDFW, the federal Bureau of Reclamation and the Columbia Basin Irrigation Project to facilitate collection and redistribution of one of these agents, *Galerucella* beetles, from the Winchester Wasteway area in Grant County to other parts of the state. WSDA, WDFW, the King County Noxious Weed Control Board and the University of Washington cooperated in a project to raise bio-control agents on the U.W. campus. These bio-agents were then released on purple loosestrife infestations in King County.

***Spartina* Control Update**

There are ten counties in western Washington with one or more infestations of *Spartina alterniflora*, *Spartina anglica*, *Spartina patens* or *Spartina densiflora*. This includes Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Pacific, San Juan, Skagit and Snohomish counties. These infestations are equivalent to approximately 7,500 solid acres of *Spartina* (if all populations were one contiguous meadow) and are spread over more than 20,000 acres of intertidal mudflats. All but approximately 5 solid acres are located in Pacific, Snohomish, Island and Skagit counties. In 2002, WSDA, state and federal partner agencies, local governments, tribal entities, commercial landowners and private landowners treated approximately 2,260 solid acres of *Spartina*.

In Willapa Bay, WSDA estimates that the infestation totals 6,800 solid acres. Continued use of mechanical control tools, increased funding and new herbicide application equipment and techniques allowed the effort to treat approximately 1,805 solid acres of *Spartina alterniflora*. Based on treatment and efficacy information gathered from past treatment seasons, WSDA estimates that at least 55% efficacy will result from the 2002 treatments. If this efficacy estimate holds true, the 2002 effort will have essentially stopped the spread of *Spartina* in Willapa Bay. The effort is currently evaluating several approaches for spending an additional \$600,000 which will likely result in close to a third of the entire infestation being treated. Efficacy monitoring data will be collected during the 2003 treatment season to verify acreage killed.

In Puget Sound, the 2002 effort was able to continue to reduce the infestation and bring several areas close to eradication. Skagit County, Snohomish County, Island County, the Washington State Department of Fish and Wildlife (WDFW), WSDA and Ecology combined to treat approximately 455 solid acres of *Spartina*. Snohomish County Noxious Weed Control Board and WDFW utilized mechanical control tools in combination with herbicide applications to treat nearly 200 solid acres in South Skagit Bay and Leque Island. These infestations represent two of the largest in Puget Sound.

In Grays Harbor, WDFW continued to treat and monitor several small infestations. This work, conducted through a contract with WSDA, is essential in preventing the infestation from become established in Grays Harbor.

The effort was faced with several new developments and challenges during the 2002 season. These included the discovery of a new species of *Spartina* in the state, and a budget reduction for WDFW in Willapa Bay.

***Spartina densiflora* Discovery**

During the winter of 2002, two discoveries of a South American species of *Spartina*, *Spartina densiflora*, were made in the State of Washington. The discoveries were made in the northwest portion of Grays Harbor and at Race

Lagoon located in Island County. Both discoveries were made by WDFW *Spartina* control crews conducting routine surveys.

This species has never been known to occur in Washington State prior to this finding. Upon initial collection, samples were sent to the University of California at Davis for confirmation through DNA identification.

Upon positive identification of the samples, WSDA, WDFW and DNR proceeded immediately to conduct mechanical and physical control of the Grays Harbor infestation. Furthermore, WDFW conducted herbicide applications to the infestation in both Grays Harbor and Race Lagoon to ensure successful control of the infestation, preventing further spread.

Washington State Department of Fish and Wildlife Funding Reduced

Following the 2002 legislative session WDFW was faced with a substantial reduction in the overall agency budget. One of the steps the WDFW took to deal with the reduction was to reduce funding for *Spartina* control in Willapa Bay.

The reduction in funding resulted in substantially less acreage being treated both through herbicide applications and mechanically, and WDFW will have exhausted currently available Willapa Bay *Spartina* funding by the end of December 2002. WDFW generally starts preparing for the control season in April of each year. With no funding after December of 2002, WDFW will not start preparing for the control season until at least July 1 of 2003, if funding is made available.

EXPENDITURES OF STATE FUNDS

All of Washington benefits from ensuring control of the state's most serious noxious weeds. Even citizens whose properties are uninfested benefit because the effective control of noxious weeds protects their property and the recreation and natural areas they enjoy from similar infestations and related costs of control. Public awareness and education campaigns build diverse support for noxious weed control efforts. Recognizing the importance of noxious weed control, Washington has invested state general funds to support the current state and local noxious weed control programs for the last eight biennia.

During the first four biennial funding cycles after the creation of Washington's noxious weed program in its current form, the state's investment supported three programs: (1) the Department; (2) the Board; and (3) the grant program, where funds were used for local noxious weed control projects throughout Washington. For the 1995-1997 biennium, the Board chose to shift the focus of the noxious weed grant program into three initial components of statewide benefit: (1) education and public awareness; (2) special projects of statewide benefit; and (3) enforcement funds for the Department. The Board has continued this focus for the 2001-2002 biennium.

Table 6. State General Fund Support for Noxious Weed Program, 2002-2003.				
Biennium	Department	Board	Grant Program	Total
1987-1989 ¹	\$181,329	\$96,575	\$460,698	\$738,602
1989-1991	\$316,715	\$121,040	\$524,000	\$961,755
1991-1993	\$223,299	\$145,090 ²	\$506,000	\$874,389³
1993-1995	\$110,000	\$153,000	\$202,000	\$465,000⁴
1995-1997	\$123,746 ⁵	\$198,432	\$210,000	\$512,178
1997-1999	\$225,860 ⁵	\$386,277		\$612,137
1999-2001	\$248,450 ⁵	\$395,553		\$644,003
2002-2003	\$253,598 ⁶	\$378,153 ⁷		\$631,751

¹Department (2 FTE) and Board (1 FTE) staff not hired until 1988.

²Clerical support previously paid by a separate account now included in Board budget.

³Includes a 1992 supplemental budget reduction of \$36,000.

⁴Includes a 1994 supplemental budget reduction of \$304,000.

⁵Does not include \$800,000 *Spartina* and purple loosestrife programs for which the Department is lead agency.

⁶Does not include \$2,268,532 *Spartina* and purple loosestrife programs for which the Department is lead agency.

⁷Figure reduced by \$21,000 one-time "efficiency savings" and \$6,000 carry forward reductions.

The overall Board budget is only a small fraction of the amount spent on noxious weed control statewide. The vast majority of noxious weed control in Washington State is funded privately by property owners, as intended by the Legislature and required by RCW 17.10. Through its policies, the Board directs

the noxious weed control efforts of county weed boards and weed districts, as well as public and private landowners. As part of its role, the Board tries to focus its limited resources on projects with the highest return on investments. Many of the Board's expenditures produce amplified and highly-leveraged benefits.

SUMMARY

Noxious weed control is an on-going, long-term component of a healthy, productive Washington. The Washington State Noxious Weed Control Board recommends that the State continue to maximize and support the local investments made in noxious weed control by maintaining existing general fund support for Washington's noxious weed control program, including the Department and the Board. By maintaining this funding, the Board can continue to coordinate noxious weed control efforts in Washington and to help county weed boards and weed districts do their jobs.

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Chapter 17.10 RCW

NOXIOUS WEEDS—CONTROL BOARDS

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- 17.10.900 Weed districts—Continuation—Dissolution—Transfer of assessment funds.
- 17.10.910 Severability—1969 ex.s. c 113.

RCW 17.10.007 Purpose—Construction—1975 1st ex.s. c 13. The purpose of this chapter is to limit economic loss and adverse effects to Washington's agricultural, natural, and human resources due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the state.

The intent of the legislature is that this chapter be liberally construed, and that the jurisdiction, powers, and duties granted to the county noxious weed control boards by this chapter are limited only by specific provisions of this chapter or other state and federal law. [1997 c 353 § 1; 1975 1st ex.s. c 13 § 17. Formerly RCW 17.10.905.]

RCW 17.10.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Noxious weed" means a plant that when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.

(2) "State noxious weed list" means a list of noxious weeds adopted by the state noxious weed control board. The list is divided into three classes:

(a) Class A consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state;

(b) Class B consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region;

(c) Class C consists of any other noxious weeds.

(3) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

(4) "Owner" means the person in actual control of property, or his or her agent, whether the control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of the easement is deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of the easement.

(5) As pertains to the duty of an owner, the words "control", "contain", "eradicate", and the term "prevent the spread of noxious weeds" means conforming to the standards of noxious weed control or prevention in this chapter or as adopted by rule in chapter 16-750 WAC by the state noxious

weed control board and an activated county noxious weed control board.

(6) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land.

(7) "Agricultural purposes" are those that are intended to provide for the growth and harvest of food and fiber.

(8) "Director" means the director of the department of agriculture or the director's appointed representative.

(9) "Weed district" means a weed district as defined in chapters 17.04 and 17.06 RCW.

(10) "Aquatic noxious weed" means an aquatic plant species that is listed on the state weed list under RCW 17.10.080.

(11) "Screenings" means a mixture of mill or elevator run mixture or a combination of varying amounts of materials obtained in the process of cleaning either grain or seeds, or both, such as light or broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator dust, floor sweepings, sand, and dirt. [1997 c 353 § 2; 1995 c 255 § 6; 1987 c 438 § 1; 1975 1st ex.s. c 13 § 1; 1969 ex.s. c 113 § 1.]

Severability—Effective date—1995 c 255: See RCW 17.26.900 and 17.26.901.

RCW 17.10.020 County noxious weed control boards—Created—Jurisdiction—Inactive status. (1) In each county of the state there is created a noxious weed control board, bearing the name of the county within which it is located. The jurisdictional boundaries of each board are the boundaries of the county within which it is located.

(2) Each noxious weed control board is inactive until activated pursuant to the provisions of RCW 17.10.040. [1997 c 353 § 3; 1969 ex.s. c 113 § 2.]

RCW 17.10.030 State noxious weed control board—Members—Terms—Elections—Meetings—Reimbursement for travel expenses. There is created a state noxious weed control board comprised of nine voting members and three nonvoting members. Four of the voting members shall be elected by the members of the various activated county noxious weed control boards, and shall be residents of a county in which a county noxious weed control board has been activated and a member of said board, and those qualifications shall continue through their term of office. Two of these members shall be elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state. The director of agriculture is a voting member of the board. One voting member shall be elected by the directors of the various active weed districts formed under chapter 17.04 or 17.06 RCW. The Washington state association of counties appoints one voting member who shall be a member of a county legislative authority. The director shall appoint two voting members to represent the public interest, one from the west side and one from the east side of the state. The director shall also appoint three nonvoting members representing scientific disciplines relating to weed control. The term of office for all members of the board is three years from the date of election or appointment.

The board, by rule, shall establish a position number for each elected position of the board and shall designate which county noxious weed control board members are eligible to

vote for each elected position. The elected members serve staggered terms. Elections for the elected members of the board shall be held thirty days prior to the expiration date of their respective terms. Nominations and elections shall be by mail and conducted by the board.

The board shall conduct its first meeting within thirty days after all its members have been elected. The board shall elect from its members a chair and other officers as may be necessary. A majority of the voting members of the board constitutes a quorum for the transaction of business and is necessary for any action taken by the board. The members of the board serve without salary, but shall be reimbursed for travel expenses incurred in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060. [1997 c 353 § 4; 1987 c 438 § 2; 1975-'76 2nd ex.s. c 34 § 23; 1969 ex.s. c 113 § 3.]

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 17.10.040 Activation of inactive county noxious weed control board. An inactive county noxious weed control board may be activated by any one of the following methods:

(1) Either within sixty days after a petition is filed by one hundred registered voters within the county or, on its own motion, the county legislative authority shall hold a hearing to determine whether there is a need, due to a damaging infestation of noxious weeds, to activate the county noxious weed control board. If such a need is found to exist, then the county legislative authority shall, in the manner provided by RCW 17.10.050, appoint five persons to the county's noxious weed control board.

(2) If the county's noxious weed control board is not activated within one year following a hearing by the county legislative authority to determine the need for activation, then upon the filing with the state noxious weed control board of a petition comprised either of the signatures of at least two hundred registered voters within the county, or of the signatures of a majority of an adjacent county's noxious weed control board, the state board shall, within six months of the date of the filing, hold a hearing in the county to determine the need for activation. If a need for activation is found to exist, then the state board shall order the county legislative authority to activate the county's noxious weed control board and to appoint members to the board in the manner provided by RCW 17.10.050.

(3) The director, upon request of the state noxious weed control board, shall order a county legislative authority to activate the noxious weed control board immediately if an infestation of a class A noxious weed or class B noxious weed designated for control on the state noxious weed list is confirmed in that county. The county legislative authority may, as an alternative to activating the noxious weed board, combat the class A noxious weed or class B noxious weed with county resources and personnel operating with the authorities and responsibilities imposed by this chapter on a county noxious weed control board. No county may continue without a noxious weed control board for a second consecutive year if the class A noxious weed or class B noxious weed has not been eradicated. [1997 c 353 § 5; 1987 c 438 § 3; 1975 1st ex.s. c 13 § 2; 1969 ex.s. c 113 § 4.]

RCW 17.10.050 Activated county noxious weed control board—Members—Election—Terms—Meetings—Quorum—Expenses—Officers—Vacancy. (1) Each activated county noxious weed control board consists of five voting members appointed by the county legislative authority. In appointing the voting members, the county legislative authority shall divide the county into five geographical areas that best represent the county's interests, and appoint a voting member from each geographical area. At least four of the voting members shall be engaged in the primary production of agricultural products. There is one nonvoting member on the board who is the chair of the county extension office or an extension agent appointed by the chair of the county extension office. Each voting member of the board serves a term of four years, except that the county legislative authority shall, when a board is first activated under this chapter, designate two voting members to serve terms of two years. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2) The voting members of the board serve until their replacements are appointed. New members of the board shall be appointed at least thirty days prior to the expiration of any board member's term of office.

Notice of expiration of a term of office shall be published at least twice in a weekly or daily newspaper of general circulation in the section [geographical area] with last publication occurring at least ten days prior to the nomination. All persons interested in appointment to the board and residing in the geographical area with a pending nomination shall make a written application that includes the signatures of at least ten registered voters residing in the geographical area supporting the nomination to the county noxious weed control board. After nominations close, the county noxious weed control board shall, after a hearing, send the applications to the county legislative authority recommending the names of the most qualified candidates, and post the names of those nominees in the county courthouse and publish in at least one newspaper of general circulation in the county. The county legislative authority, within ten days of receiving the list of nominees, shall appoint one of those nominees to the county noxious weed control board to represent that geographical area during that term of office.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board constitutes a quorum for the transaction of business and is necessary for any action taken by the board. The board shall elect from its members a chair and other officers as may be necessary.

(4) In case of a vacancy occurring in any voting position on a county noxious weed control board, the county legislative authority of the county in which the board is located shall appoint a qualified person to fill the vacancy for the unexpired term. [1997 c 353 § 6; 1987 c 438 § 4; 1980 c 95 § 1; 1977 ex.s. c 26 § 6; 1975 1st ex.s. c 13 § 3; 1974 ex.s. c 143 § 1; 1969 ex.s. c 113 § 5.]

RCW 17.10.060 Activated county noxious weed control board—Weed coordinator—Authority—Rules and regulations. (1) Each activated county noxious weed

control board shall employ or otherwise provide a weed coordinator whose duties are fixed by the board but which shall include inspecting land to determine the presence of noxious weeds, offering technical assistance and education, and developing a program to achieve compliance with the weed law. The weed coordinator may be employed full time, part time, or seasonally by the county noxious weed control board. County weed board employment practices shall comply with county personnel policies. Within sixty days from initial employment the weed coordinator shall obtain a pest control consultant license, a pesticide operator license, and the necessary endorsements on the licenses as required by law. Each board may purchase, rent, or lease equipment, facilities, or products and may hire additional persons as it deems necessary for the administration of the county's noxious weed control program.

(2) Each activated county noxious weed control board has the power to adopt rules and regulations, subject to notice and hearing as provided in chapters 42.30 and 42.32 RCW, as are necessary for an effective county weed control or eradication program.

(3) Each activated county noxious weed control board shall meet with a quorum at least quarterly. [1997 c 353 § 7; 1987 c 438 § 5; 1969 ex.s. c 113 § 6.]

RCW 17.10.070 State noxious weed control board—Powers—Report. (1) In addition to the powers conferred on the state noxious weed control board under other provisions of this chapter, it has the power to:

(a) Employ a state noxious weed control board executive secretary, and additional persons as it deems necessary, to disseminate information relating to noxious weeds to county noxious weed control boards and weed districts, to coordinate the educational and weed control efforts of the various county and regional noxious weed control boards and weed districts, and to assist the board in carrying out its responsibilities;

(b) Adopt, amend, or repeal rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out the duties and authorities assigned to the board by this chapter.

(2) The state noxious weed control board shall provide a written report before January 1st of each odd-numbered year to the county noxious weed control boards and the weed districts showing the expenditure of state funds on noxious weed control; specifically how the funds were spent; the status of the state, county, and district programs; and recommendations for the continued best use of state funds for noxious weed control. The report shall include recommendations as to the long-term needs regarding weed control. [1998 c 245 § 3; 1997 c 353 § 8; 1987 c 438 § 6; 1975 1st ex.s. c 13 § 4; 1969 ex.s. c 113 § 7.]

RCW 17.10.074 Director—Powers. (1) In addition to the powers conferred on the director under other provisions of this chapter, the director, with the advice of the state noxious weed control board, has power to:

(a) Require the county legislative authority or the noxious weed control board of any county or any weed district to report to it concerning the presence, absence, or

estimated amount of noxious weeds and measures, if any, taken or planned for the control thereof;

(b) Employ staff as may be necessary in the administration of this chapter;

(c) Adopt, amend, or repeal rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out this chapter;

(d) Do such things as may be necessary and incidental to the administration of its functions pursuant to this chapter including but not limited to surveying for and detecting noxious weed infestations;

(e) Upon receipt of a complaint signed by a majority of the members of an adjacent county noxious weed control board or weed district, or by one hundred registered voters that are land owners within the county, require the county legislative authority or noxious weed control board of the county or weed district that is the subject of the complaint to respond to the complaint within forty-five days with a plan for the control of the noxious weeds cited in the complaint;

(f) If the complaint in (e) of this subsection involves a class A or class B noxious weed, order the county legislative authority, noxious weed control board, or weed district to take immediate action to eradicate or control the noxious weed infestation. If the county or the weed district does not take action to control the noxious weed infestation in accordance with the order, the director may control it or cause it to be controlled. The county or weed district is liable for payment of the expense of the control work including necessary costs and expenses for attorneys' fees incurred by the director in securing payment from the county or weed district. The director may bring a civil action in a court of competent jurisdiction to collect the expenses of the control work, costs, and attorneys' fees;

(g) In counties without an activated noxious weed control board, enter upon any property as provided for in RCW 17.10.160, issue or cause to be issued notices and citations and take the necessary action to control noxious weeds as provided in RCW 17.10.170, hold hearings on any charge or cost of control action taken as provided for in RCW 17.10.180, issue a notice of civil infraction as provided for in RCW 17.10.230 and 17.10.310 through [and] 17.10.350, and place a lien on any property pursuant to RCW 17.10.280, 17.10.290, and 17.10.300 with the same authorities and responsibilities imposed by these sections on county noxious weed control boards;

(h) Adopt a list of noxious weed seeds and toxic weeds which shall be controlled in designated articles, products, or feed stuffs as provided for in RCW 17.10.235.

(2) The moneys appropriated for noxious weed control to the department shall be used for administration of the state noxious weed control board, the administration of the director's powers under this chapter, the purchase of materials for controlling, containing, or eradicating noxious weeds, the purchase or collection of biological control agents for controlling noxious weeds, and the contracting for services to carry out the purposes of this chapter. In a county with an activated noxious weed control board, the director shall make every effort to contract with that board for the needed services.

(3) If the director determines the need to reallocate funds previously designated for county use, the director shall

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convene a meeting of the state noxious weed control board to seek its advice concerning any reallocation. [1997 c 353 § 9; 1987 c 438 § 7.]

RCW 17.10.080 State noxious weed list—Hearing—Adoption—Dissemination. (1) The state noxious weed control board shall each year or more often, following a hearing, adopt a state noxious weed list.

(2) Any person may request during a comment period established by the state weed board the inclusion, deletion, or designation change of any plant to the state noxious weed list.

(3) The state noxious weed control board shall send a copy of the list to each activated county noxious weed control board, to each weed district, and to the county legislative authority of each county with an inactive noxious weed control board.

(4) The record of rule making must include the written findings of the board for the inclusion of each plant on the list. The findings shall be made available upon request to any interested person. [1997 c 353 § 10; 1989 c 175 § 57; 1987 c 438 § 8; 1975 1st ex.s. c 13 § 5; 1969 ex.s. c 113 § 8.]

Effective date—1989 c 175: See note following RCW 34.05.010.

RCW 17.10.090 State noxious weed list—Selection of weeds for control by county board. Each county noxious weed control board shall, within ninety days of the adoption of the state noxious weed list from the state noxious weed control board and following a hearing, select those weeds from the class C list and those weeds from the class B list not designated for control in the noxious weed control region in which the county lies that it finds necessary to be controlled in the county. The weeds thus selected and all class A weeds and those class B weeds that have been designated for control in the noxious weed control region in which the county lies shall be classified within that county as noxious weeds, and those weeds comprise the county noxious weed list. [1997 c 353 § 11; 1987 c 438 § 9; 1969 ex.s. c 113 § 9.]

RCW 17.10.100 Order to county board to include weed from state board's list in county's noxious weed list. Where any of the following occur, the state noxious weed control board may, following a hearing, order any county noxious weed control board or weed district to include a noxious weed from the state board's list in the county's noxious weed list:

(1) Where the state noxious weed control board receives a petition from at least one hundred registered voters within the county requesting that the weed be listed.

(2) Where the state noxious weed control board receives a request for inclusion from an adjacent county's noxious weed control board or weed district, which the adjacent board or district has included that weed in its county list, and the adjacent board or weed district alleges that its noxious weed control program is being hampered by the failure to include the weed on the county's noxious weed list. [1997 c 353 § 12; 1987 c 438 § 10; 1969 ex.s. c 113 § 10.]

RCW 17.10.110 Regional noxious weed control board—Creation. A regional noxious weed control board comprising the area of two or more counties may be created as follows:

Either the county legislative authority, or the noxious weed control board, or both, of two or more counties may, upon a determination that the purpose of this chapter will be served by the creation of a regional noxious weed control board, adopt a resolution providing for a limited merger of the functions of their respective counties noxious weed control boards. The resolution becomes effective only when a similar resolution is adopted by the other county or counties comprising the proposed regional board. [1997 c 353 § 13; 1987 c 438 § 11; 1975 1st ex.s. c 13 § 6; 1969 ex.s. c 113 § 11.]

RCW 17.10.120 Regional noxious weed control board—Members—Meetings—Quorum—Officers—Effect on county boards. In any case where a regional noxious weed control board is created, the county noxious weed control boards comprising the regional board shall still remain in existence and shall retain all powers and duties provided for the boards under this chapter.

The regional noxious weed control board is comprised of the voting members and the nonvoting members of the component counties noxious weed control boards or county legislative authorities who shall, respectively, be the voting and nonvoting members of the regional board: **PROVIDED,** That each county shall have an equal number of voting members. The board may appoint other nonvoting members as deemed necessary. A majority of the voting members of the board constitutes a quorum for the transaction of business and is necessary for any action taken by the board. The board shall elect a chair from its members and other officers as may be necessary. Members of the regional board serve without salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties. [1997 c 353 § 14; 1987 c 438 § 12; 1969 ex.s. c 113 § 12.]

RCW 17.10.130 Regional noxious weed control board—Powers and duties. The powers and duties of a regional noxious weed control board are as follows:

(1) The regional board shall, within ninety days of the adoption of the state noxious weed list from the state noxious weed control board and following a hearing, select those weeds from the state list that it finds necessary to be controlled on a regional basis. The weeds thus selected shall also be contained in the county noxious weed list of each county in the region.

(2) The regional board shall take action as may be necessary to coordinate the noxious weed control programs of the region and adopt a regional plan for the control of noxious weeds. [1997 c 353 § 15; 1987 c 438 § 13; 1969 ex.s. c 113 § 13.]

RCW 17.10.134 Liability of county and regional noxious weed control boards. Obligations or liabilities incurred by any county or regional noxious weed control board or any claims against a county or regional noxious weed control board are governed by chapter 4.96 RCW or

RCW 4.08.120: **PROVIDED,** That individual members or employees of a county noxious weed control board are personally immune from civil liability for damages arising from actions performed within the scope of their official duties or employment. [1997 c 353 § 16; 1987 c 438 § 14.]

RCW 17.10.140 Owner's duty to control spread of noxious weeds. (1) Except as is provided under subsection (2) of this section, every owner shall perform or cause to be performed those acts as may be necessary to:

(a) Eradicate all class A noxious weeds;

(b) Control and prevent the spread of all class B noxious weeds designated for control in that region within and from the owner's property; and

(c) Control and prevent the spread of all class B and class C noxious weeds listed on the county weed list as locally mandated control priorities within and from the owner's property.

(2) Forest lands classified under RCW 17.10.240(2), or meeting the definition of forest lands contained in RCW 17.10.240, are subject to the requirements of subsection (1)(a) and (b) of this section at all times. Forest lands are subject to the requirements of subsection (1)(c) of this section only within a one thousand foot buffer strip of adjacent land uses. In addition, forest lands are subject to subsection (1)(c) of this section for a single five-year period following the harvesting of trees for lumber. [1997 c 353 § 17; 1969 ex.s. c 113 § 14.]

RCW 17.10.145 State agencies' duty to control spread of noxious weeds. All state agencies shall control noxious weeds on lands they own, lease, or otherwise control through integrated pest management practices. Agencies shall develop plans in cooperation with county noxious weed control boards to control noxious weeds in accordance with standards in this chapter. All state agencies' lands must comply with this chapter, regardless of noxious weed control efforts on adjacent lands. [1997 c 353 § 18; 1995 c 374 § 75.]

Effective date—1995 c 374 §§ 69, 70, and 72-79: See note following RCW 16.24.130.

RCW 17.10.154 Owners' agreements with county noxious weed control boards—Terms—Enforcement. It is recognized that the prevention, control, and eradication of noxious weeds presents a problem for immediate as well as for future action. It is further recognized that immediate prevention, control, and eradication is practicable on some lands and that prevention, control, and eradication on other lands should be extended over a period of time. Therefore, it is the intent of this chapter that county noxious weed control boards may use their discretion and, by agreement with the owners of land, may propose and accept plans for prevention, control, and eradication that may be extended over a period of years. The county noxious weed control board may make an agreement with the owner of any parcel of land by contract between the landowner and the respective county noxious weed control board, and the board shall enforce the terms of any agreement. The county noxious weed control board may make any terms that will best serve the interests of the owners of the parcel of land and the

common welfare that comply with this chapter. Agreements made under this section must include at least a one thousand foot buffer for all adjacent agricultural land uses. Noxious weed control in this buffer must comply with RCW 17.10.140(1). [1997 c 353 § 19; 1987 c 438 § 16.]

RCW 17.10.160 Right of entry—Warrant for noxious weed search—Civil liability—Penalty for preventing entry. Any authorized agent or employee of the county noxious weed control board or of the state noxious weed control board or of the department of agriculture where not otherwise proscribed by law may enter upon any property for the purpose of administering this chapter and any power exercisable pursuant thereto, including the taking of specimens of weeds, general inspection, and the performance of eradication or control work. Prior to carrying out the purpose for which the entry is made, the official making such entry or someone in his or her behalf, shall make a reasonable attempt to notify the owner of the property as to the purpose and need for the entry.

(1) When there is probable cause to believe that there is property within this state not otherwise exempt from process or execution upon which noxious weeds are standing or growing and the owner refuses permission to inspect the property, a judge of the superior court or district court in the county in which the property is located may, upon the request of the county noxious weed control board or its agent, issue a warrant directed to the board or agent authorizing the taking of specimens of weeds or other materials, general inspection, and the performance of eradication or control work.

(2) Application for issuance and execution and return of the warrant authorized by this section shall be in accordance with the applicable rules of the superior court or the district courts.

(3) Nothing in this section requires the application for and issuance of any warrant not otherwise required by law: PROVIDED, That civil liability for negligence shall lie in any case in which entry and any of the activities connected therewith are not undertaken with reasonable care.

(4) Any person who improperly prevents or threatens to prevent entry upon land as authorized in this section or any person who interferes with the carrying out of this chapter shall be upon conviction guilty of a misdemeanor. [1997 c 353 § 20; 1987 c 438 § 17; 1969 ex.s. c 113 § 16.]

RCW 17.10.170 Finding presence of noxious weeds—Notice for failure of owner to control—Control by county board—Liability of owner—Lien—Alternative.

(1) Whenever the county noxious weed control board finds that noxious weeds are present on any parcel of land, and that the owner is not taking prompt and sufficient action to control the noxious weeds, pursuant to the provisions of RCW 17.10.140, it shall notify the owner that a violation of this chapter exists. The notice shall be in writing and sent by certified mail, and shall identify the noxious weeds found to be present, order prompt control action, and specify the time, of at least ten days from issuance of the notice, within which the prescribed action must be taken. Upon deposit of the certified letter of notice, the noxious weed control authority shall make an affidavit of mailing that is prima

facie evidence that proper notice was given. If seed or other propagule dispersion is imminent, immediate control action may be taken forty-eight hours following the time that notification is reasonably expected to have been received by the owner or agent by certified mail or personal service, instead of ten days. If a landowner received a notice of violation from the county noxious weed control board in a prior growing season, removal or destruction of all above ground plant parts may be required at the most effective point in the growing season, as determined by the county weed board, which may be before or after propagule dispersion.

(2) The county noxious weed control board or its authorized agents may issue a notice of civil infraction as provided for in RCW 17.10.230, 17.10.310, and 17.10.350 to owners who do not take action to control noxious weeds in accordance with the notice.

(3) If the owner does not take action to control the noxious weeds in accordance with the notice, the county board may control them, or cause their being controlled, at the expense of the owner. The amount of the expense constitutes a lien against the property and may be enforced by proceedings on the lien except as provided for by RCW 79.44.060. The owner is liable for payment of the expense, and nothing in this chapter shall be construed to prevent collection of any judgment on account thereof by any means available pursuant to law, in substitution for enforcement of the lien. Necessary costs and expenses including reasonable attorneys' fees incurred by the county noxious weed control board in carrying out this section may be recovered at the same time as a part of the action filed under this section. Funds received in payment for the expense of controlling noxious weeds shall be transferred to the county noxious weed control board to be expended as required to carry out the purposes of this chapter.

(4) The county auditor shall record in his or her office any lien created under this chapter, and any lien shall bear interest at the rate of twelve percent per annum from the date on which the county noxious weed control board approves the amount expended in controlling the weeds.

(5) As an alternative to the enforcement of any lien created under subsection (3) of this section, the county legislative authority may by resolution or ordinance require that each lien created be collected by the treasurer in the same manner as a delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes bear interest at the rate of twelve percent per annum and the interest accrues as of the date notice of the lien is sent to the owner: PROVIDED, That any collections for the lien shall not be considered as tax. [1997 c 353 § 21; 1987 c 438 § 18; 1979 c 118 § 1; 1975 1st ex.s. c 13 § 8; 1974 ex.s. c 143 § 3; 1969 ex.s. c 113 § 17.]

RCW 17.10.180 Hearing on liability for expense of control—Notice—Review. Any owner, upon request pursuant to the rules and regulation of the county noxious weed control board, is entitled to a hearing before the board on any charge or cost for which the owner is alleged to be

liable pursuant to RCW 17.10.170 or 17.10.210. The board shall send notice by certified mail within thirty days, to each owner at the owner's last known address, as to any charge or cost and as to his or her right of a hearing. The hearing shall be scheduled within forty-five days of notification. Any determination or final action by the board is subject to judicial review by a proceeding in the superior court in the county in which the property is located, and the court has original jurisdiction to determine any suit brought by the owner to recover damages allegedly suffered on account of control work negligently performed: PROVIDED, That no stay or injunction shall lie to delay any control work subsequent to notice given pursuant to RCW 17.10.160 or pursuant to an order under RCW 17.10.210. [1997 c 353 § 22; 1987 c 438 § 19; 1969 ex.s. c 113 § 18.]

RCW 17.10.190 Notice and information as to noxious weed control. Each activated county noxious weed control board must publish annually, and at other times as may be appropriate, in at least one newspaper of general circulation within its area, a general notice. The notice shall direct attention to the need for noxious weed control and give other information concerning noxious weed control requirements as may be appropriate, or indicate where such information may be secured. In addition to the general notice required, the county noxious weed control board may use any appropriate media for the dissemination of information to the public as may be calculated to bring the need for noxious weed control to the attention of owners. The board may consult with individual owners concerning their problems of noxious weed control and may provide them with information and advice, including giving specific instructions and methods when and how certain named weeds are to be controlled. The methods may include some combination of physical, mechanical, cultural, chemical, and/or biological methods, including livestock. Publication of a notice as required by this section is not a condition precedent to the enforcement of this chapter. [1997 c 353 § 23; 1987 c 438 § 20; 1975 1st ex.s. c 13 § 9; 1969 ex.s. c 113 § 19.]

RCW 17.10.201 Noxious weed control on federal and tribal lands—State and county cooperation. (1) The state noxious weed control board shall:

(a) Work with the various federal and tribal land management agencies to coordinate state and federal noxious weed control;

(b) Encourage the various federal and tribal land management agencies to devote more time and resources to noxious weed control; and

(c) Assist the various federal and tribal land management agencies by seeking adequate funding for noxious weed control.

(2) County noxious weed control boards and weed districts shall work with the various federal and tribal land management agencies in each county in order to:

(a) Identify new noxious weed infestations;

(b) Outline and plan necessary noxious weed control actions;

(c) Develop coordinated noxious weed control programs; and

(d) Notify local federal and tribal agency land managers of noxious weed infestations.

(3) The department of agriculture, county noxious weed control boards, and weed districts are authorized to enter federal lands, with the approval of the appropriate federal agency, to survey for and control noxious weeds where control measures of a type and extent required under this chapter have not been taken.

(4) The department of agriculture, county noxious weed control boards, and weed districts may bill the federal land management agency that manages the land for all costs of the noxious weed control performed on federal land. If not paid by the federal agency that manages the land, the cost of the noxious weed control on federal land may be paid from any funds available to the county noxious weed control board or weed district that performed the noxious weed control. Alternatively, the costs of noxious weed control on federal land may be paid from any funds specifically appropriated to the department of agriculture for that purpose.

(5) The department of agriculture, county noxious weed control boards, and weed districts are authorized to enter into any reasonable agreement with the appropriate authorities for the control of noxious weeds on federal or tribal lands.

(6) The department of agriculture, county noxious weed control boards, and weed districts shall consult with state agencies managing federal land concerning noxious weed infestation and control programs. [1997 c 353 § 34.]

RCW 17.10.205 Control of noxious weeds in open areas. Open areas subject to the spread of noxious weeds, including but not limited to subdivisions, school grounds, playgrounds, parks, and rights of way shall be subject to regulation by activated county noxious weed control boards in the same manner and to the same extent as is provided for all terrestrial and aquatic lands of the state. [1997 c 353 § 24; 1975 1st ex.s. c 13 § 16.]

RCW 17.10.210 Quarantine of land—Order—Expense. (1) Whenever the director, the county noxious weed control board, or a weed district finds that a parcel of land is so seriously infested with class A or class B noxious weeds that control measures cannot be undertaken thereon without quarantining the land and restricting or denying access thereto or use thereof, the director, the county noxious weed control board, or weed district, with the approval of the director of the department of agriculture, may issue an order for the quarantine and restriction or denial of access or use. Upon issuance of the order, the director, the county noxious weed control board, or the weed district shall commence necessary control measures and may institute legal action for the collection of costs for control work, which may include attorneys' fees and the costs of other appropriate actions.

(2) An order of quarantine shall be served, by any method sufficient for the service of civil process, on all persons known to qualify as owners of the land within the meaning of this chapter.

(3) The director shall, with the advice of the state noxious weed control board, determine how the expense of control work undertaken pursuant to this section, and the

cost of any quarantine in connection therewith, is apportioned. [1997 c 353 § 25; 1987 c 438 § 22; 1969 ex.s. c 113 § 21.]

RCW 17.10.230 Violations—Penalty. Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control such weeds in accordance with this chapter and rules and regulations in force pursuant thereto; or any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210; or any person who interferes with the carrying out of the provisions of this chapter has committed a civil infraction. [1987 c 438 § 23; 1979 c 118 § 2; 1969 ex.s. c 113 § 23.]

RCW 17.10.235 Selling product, article, or feed containing noxious weed seeds or toxic weeds—Penalty—Rules—Inspections—Fees. (1) The director of agriculture shall adopt, with the advice of the state noxious weed control board, rules designating noxious weed seeds which shall be controlled in products, screenings, or articles to prevent the spread of noxious weeds. The rules shall identify the products, screenings, and articles in which the seeds must be controlled and the maximum amount of the seed to be permitted in the product, screenings, or article to avoid a hazard of spreading the noxious weed by seed from the product, screenings, or article. The director shall also adopt, with the advice of the state board, rules designating toxic weeds which shall be controlled in feed stuffs and screenings to prevent injury to the animal that consumes the feed. The rules shall identify the feed stuffs and screenings in which the toxic weeds must be controlled and the maximum amount of the toxic weed to be permitted in the feed. Rules developed under this section shall identify ways that products, screenings, articles, or feed stuffs containing noxious weed seeds or toxic weeds can be made available for beneficial uses.

(2) Any person who knowingly or negligently sells or otherwise distributes a product, article, screenings, or feed stuff designated by rule containing noxious weed seeds or toxic weeds designated for control by rule and in an amount greater than the amount established by the director for the seed or weed by rule is guilty of a misdemeanor.

(3) The department of agriculture shall, upon request of the buyer, inspect products, screenings, articles, or feed stuffs designated by rule and charge fees, in accordance with chapter 22.09 RCW, to determine the presence of designated noxious weed seeds or toxic weeds. [1997 c 353 § 26; 1987 c 438 § 30; 1979 c 118 § 4.]

RCW 17.10.240 Special assessments, appropriations for noxious weed control—Assessment rates. (1) The activated county noxious weed control board of each county shall annually submit a budget to the county legislative authority for the operating cost of the county's weed program for the ensuing fiscal year: **PROVIDED**, That if the board finds the budget approved by the legislative authority is insufficient for an effective county noxious weed control program it shall petition the county legislative authority to hold a hearing as provided in RCW 17.10.890. Control of weeds is a benefit to the lands within any such

section. Funding for the budget is derived from any or all of the following:

(a) The county legislative authority may, in lieu of a tax, levy an assessment against the land for this purpose. Prior to the levying of an assessment the county noxious weed control board shall hold a public hearing at which it will gather information to serve as a basis for classification and then classify the lands into suitable classifications, including but not limited to dry lands, range lands, irrigated lands, nonuse lands, forest lands, or federal lands. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each class, an amount as seems just. The assessment rate shall be either uniform per acre in its respective class or a flat rate per parcel rate plus a uniform rate per acre: **PROVIDED**, That if no benefits are found to accrue to a class of land, a zero assessment may be levied. The county legislative authority, upon receipt of the proposed levels of assessment from the board, after a hearing, shall accept or modify by resolution, or refer back to the board for its reconsideration all or any portion of the proposed levels of assessment. The amount of the assessment constitutes a lien against the property. The county legislative authority may by resolution or ordinance require that notice of the lien be sent to each owner of property for which the assessment has not been paid by the date it was due and that each lien created be collected by the treasurer in the same manner as delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes bear interest at the rate of twelve percent per annum and the interest accrues as of the date notice of the lien is sent to the owner: **PROVIDED FURTHER**, That any collections for the lien shall not be considered as tax; or

(b) The county legislative authority may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the county legislative authority may make emergency appropriations as it deems necessary for the implementation of this chapter.

(2) Forest lands used solely for the planting, growing, or harvesting of trees and which are typified, except during a single period of five years following clear-cut logging, by canopies so dense as to prohibit growth of an understory may be subject to an annual noxious weed assessment levied by a county legislative authority that does not exceed one-tenth of the weighted average per acre noxious weed assessment levied on all other lands in unincorporated areas within the county that are subject to the weed assessment. This assessment shall be computed in accordance with the formula in subsection (3) of this section.

(3) The calculation of the "weighted average per acre noxious weed assessment" is a ratio expressed as follows:

(a) The numerator is the total amount of funds estimated to be collected from the per acre assessment on all lands except (i) forest lands as identified in subsection (2) of this section, (ii) lands exempt from the noxious weed assessment, and (iii) lands located in an incorporated area.

(b) The denominator is the total acreage from which funds in (a) of this subsection are collected. For lands of less than one acre in size, the denominator calculation may

be based on the following assumptions: (i) Unimproved lands are calculated as being one-half acre in size on the average, and (ii) improved lands are calculated as being one-third acre in size on the average. The county legislative authority may choose to calculate the denominator for lands of less than one acre in size using other assumptions about average parcel size based on local information.

(4) For those counties that levy a per parcel assessment to help fund noxious weed control programs, the per parcel assessment on forest lands as defined in subsection (2) of this section shall not exceed one-tenth of the per parcel assessment on nonforest lands. [1997 c 353 § 27; 1995 c 374 § 77; 1987 c 438 § 31; 1975 1st ex.s. c 13 § 10; 1969 ex.s. c 113 § 24.]

Effective date—1995 c 374 §§ 69, 70, and 72-79: See note following RCW 16.24.130.

RCW 17.10.250 Applications for noxious weed control funds. The legislative authority of any county with an activated noxious weed control board or the board of any weed district may apply to the director for noxious weed control funds when informed by the director that funds are available. Any applicant must employ adequate administrative personnel to supervise an effective weed control program as determined by the director with advice from the state noxious weed control board. The director with advice from the state noxious weed control board shall adopt rules on the distribution and use of noxious weed control account funds. [1997 c 353 § 28; 1987 c 438 § 32; 1975 1st ex.s. c 13 § 11; 1969 ex.s. c 113 § 25.]

RCW 17.10.260 Administrative powers to be exercised in conformity with administrative procedure act—Use of weed control substances subject to other acts. The administrative powers granted under this chapter to the director of the department of agriculture and to the state noxious weed control board shall be exercised in conformity with the provisions of the administrative procedure act, chapter 34.05 RCW, as now or hereafter amended. The use of any substance to control noxious weeds shall be subject to the provisions of the water pollution control act, chapter 90.48 RCW, as now or hereafter amended, the Washington pesticide control act, chapter 15.58 RCW, and the Washington pesticide application act, chapter 17.21 RCW. [1987 c 438 § 33; 1969 ex.s. c 113 § 28.]

RCW 17.10.270 Noxious weed control boards—Authority to obtain insurance or surety bonds. Each noxious weed control board may obtain such insurance or surety bonds, or both with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1987 c 438 § 34; 1974 ex.s. c 143 § 5.]

RCW 17.10.280 Lien for labor, material, equipment used in controlling noxious weeds. Every activated county noxious weed control board performing labor, furnishing material, or renting, leasing or otherwise supplying equipment, to be used in the control of noxious weeds, or in

causing control of noxious weeds, upon any property pursuant to the provisions of chapter 17.10 RCW has a lien upon such property for the labor performed, material furnished, or equipment supplied whether performed, furnished, or supplied with the consent of the owner, or his agent, of such property, or without the consent of said owner or agent. [1987 c 438 § 35; 1975 1st ex.s. c 13 § 13.]

RCW 17.10.290 Lien for labor, material, equipment used in controlling noxious weeds—Notice of lien. Every county noxious weed control board furnishing labor, materials, or supplies or renting, leasing, or otherwise supplying equipment to be used in the control of noxious weeds upon any property pursuant to RCW 17.10.160 and 17.10.170 or pursuant to an order under RCW 17.10.210 as now or hereafter amended, shall give to the owner or reputed owner or his agent a notice in writing, within ninety days from the date of the cessation of the performance of such labor, the furnishing of such materials, or the supplying of such equipment, which notice shall cover the labor, material, supplies, or equipment furnished or leased, as well as all subsequent labor, materials, supplies, or equipment furnished or leased, stating in substance and effect that such county noxious weed control board is furnishing or has furnished labor, materials and supplies or equipment for use thereon, with the name of the county noxious weed control board ordering the same, and that a lien may be claimed for all materials and supplies or equipment furnished by such county noxious weed control board for use thereon, which notice shall be given by mailing the same by registered or certified mail in an envelope addressed to the owner at his place of residence or reputed residence. [1987 c 438 § 36; 1975 1st ex.s. c 13 § 14.]

RCW 17.10.300 Lien for labor, material, equipment used in controlling noxious weeds—Claim—Filing—Contents. No lien created by RCW 17.10.280 exists, and no action to enforce the same shall be maintained, unless within ninety days from the date of cessation of the performance of the labor, furnishing of materials, or the supplying of equipment, a claim for the lien is filed for record as provided in this section, in the office of the county auditor of the county in which the property, or some part of the property to be affected by the claim for a lien, is situated. The claim shall state, as nearly as may be, the time of the commencement and cessation of performing the labor, furnishing the material, or supplying the equipment, the name of the county noxious weed control board that performed the labor or caused the labor to be performed, furnished the material, or supplied the equipment, a description of the property to be charged with the lien sufficient for identification, the name of the owner, or reputed owner if known, or his or her agent, and if the owner is not known, that fact shall be mentioned, the amount for which the lien is claimed, and shall be signed by the county noxious weed control board, and be verified by the oath of the county noxious weed control board, to the effect that the affiant believes that claim to be just; and the claim of lien may be amended in case of action brought to foreclose the same, by order of the court, as pleadings may be, insofar as the interest of third parties shall not be

affected by such an amendment. [1997 c 353 § 29; 1975 1st ex.s. c 13 § 15.]

RCW 17.10.310 Notice of infraction—Issuance. The county noxious weed control board may issue a notice of civil infraction if after investigation it has reasonable cause to believe an infraction has been committed. A civil infraction may be issued pursuant to RCW 7.80.005, 7.80.070 through 7.80.110, 7.80.120 (3) and (4), and 7.80.130 through 7.80.900. [1997 c 353 § 30; 1987 c 438 § 24.]

RCW 17.10.350 Infraction—Penalty. Any person found to have committed a civil infraction under this chapter shall be assessed a monetary penalty not to exceed one thousand dollars. The state noxious weed control board shall adopt a schedule of monetary penalties for each violation of this chapter classified as a civil infraction and submit the schedule to the appropriate court. If a monetary penalty is imposed by the court, the penalty is immediately due and payable. The court may, at its discretion, grant an extension of time, not to exceed thirty days, in which the penalty must be paid. Failure to pay any monetary penalties imposed under this chapter is punishable as a misdemeanor. [1997 c 353 § 31; 1987 c 438 § 28.]

RCW 17.10.890 Deactivation of county noxious weed control board—Hearing. The following procedures shall be followed to deactivate a county noxious weed control board:

(1) The county legislative authority holds a hearing to determine whether there continues to be a need for an activated county noxious weed control board if:

(a) A petition is filed by one hundred registered voters within the county;

(b) A petition is filed by a county noxious weed control board as provided in RCW 17.10.240; or

(c) The county legislative authority passes a motion to hold such a hearing.

(2) Except as provided in subsection (4) of this section, the hearing shall be held within sixty days of final action taken under subsection (1) of this section.

(3) If, after a hearing, the county legislative authority determines that no need exists for a county noxious weed control board, due to the absence of class A or class B noxious weeds designated for control in the region, the county legislative authority shall deactivate the board.

(4) The county legislative authority shall not convene a hearing as provided for in subsection (1) of this section more frequently than once a year. [1997 c 353 § 32; 1987 c 438 § 37.]

RCW 17.10.900 Weed districts—Continuation—Dissolution—Transfer of assessment funds. Any weed district formed under chapter 17.04 or 17.06 RCW prior to the enactment of this chapter, continues to operate under the provisions of the chapter under which it was formed: PROVIDED, That if ten percent of the landowners subject to any such weed district, and the county noxious weed control board upon its own motion, petition the county legislative authority for a dissolution of the weed district, the

county legislative authority shall provide for an election to be conducted in the same manner as required for the election of directors under the provisions of chapter 17.04 RCW, to determine by majority vote of those casting votes, if the weed district will continue to operate under the chapter it was formed. The land area of any dissolved weed district becomes subject to the provisions of this chapter. Any district assessment funds may be transferred after the dissolution election under contract to the county noxious weed control board to fund the noxious weed control program. [1997 c 353 § 33; 1987 c 438 § 38; 1975 1st ex.s. c 13 § 12; 1969 ex.s. c 113 § 26.]

RCW 17.10.910 Severability—1969 ex.s. c 113. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected. [1969 ex.s. c 113 § 27.]

Chapter 17.06 RCW

INTERCOUNTY WEED DISTRICTS

Sections

- 17.06.010 Definitions.
- 17.06.020 Intercounty weed districts authorized.
- 17.06.030 Petition for formation—Notice of hearing.
- 17.06.040 Hearing—Boundaries—Order of establishment.
- 17.06.050 Meetings—Qualifications of electors and directors—
Elections—Officers—Bonds—Terms—Rules.
- 17.06.060 Directors powers and duties—Taxation—Treasurer—Costs.
- 17.06.070 Actions of county officers—Costs.
- 17.06.900 Continuation or dissolution of district—Noxious weed control boards.

Special purpose districts, expenditures to recruit job candidates: RCW 42.24.170.

RCW 17.06.010 Definitions. As used in this chapter, unless the context indicates otherwise, "principal board of county commissioners", "principal county treasurer", and "principal county auditor" mean respectively those in the county of that part of the proposed intercounty weed district in which the greatest amount of acreage is located. [1959 c 205 § 1.]

RCW 17.06.020 Intercounty weed districts authorized. An intercounty weed district, including all or any part of two counties or more, may be created for the purposes set forth in RCW 17.04.010 by the joint action of the boards of county commissioners of the counties in which any portion of the proposed district is located. [1959 c 205 § 2.]

RCW 17.06.030 Petition for formation—Notice of hearing. Any one or more freeholders owning more than fifty percent of the acreage desired to be included within the proposed intercounty weed district may file a petition with the principal board of county commissioners praying that their land be included, either separately or with other lands included in the petition, in a weed district to be formed for the purpose of destroying, preventing or exterminating any one or all such weeds, or that such lands be included within a district already formed, or a new district or districts to be formed out of any district or districts then existing. Such petition shall state the boundaries of the proposed district, the approximate number of acres in the proposed district, the particular weed or weeds to be destroyed, prevented or exterminated, the general method or means to be used in such work, and shall contain a list of all known landowners within the proposed district, together with the addresses of such landowners. Upon the filing of such petition the principal board of county commissioners shall notify the other boards of commissioners, shall arrange a time for a joint hearing on the petition, and shall give at least thirty days' notice of the time and place of such hearing by posting copies of such notice in three conspicuous places within the proposed district, and at the main entrance to the court house of each county, and by mailing a copy of such notice to each of the landowners named in the petition at the address

named therein. If any of the land described in the petition be owned by the state a copy thereof shall be mailed to the department of natural resources at Olympia. [1988 c 128 § 5; 1959 c 205 § 3.]

RCW 17.06.040 Hearing—Boundaries—Order of establishment. At the time and place fixed for such hearing, with the chairman of the principal board acting as chairman, the respective boards shall determine by a majority vote of each of the boards of county commissioners of the counties whether such intercounty weed district shall be created, and if they determine that such district shall be created, the respective boards shall fix the boundaries of the portion of the proposed district within their respective counties, but they shall not modify the purposes of the petition with respect to the weed or weeds to be destroyed, prevented and exterminated as set forth in the petition, and they shall not enlarge the boundary of the proposed district, or enlarge or change the boundary or boundaries of any district or districts already formed without first giving notice, as provided in RCW 17.06.030, to all landowners interested. If the respective bodies shall determine that the weed district petitioned for shall be created each such board shall thereupon enter an order establishing and defining the boundary lines of the proposed district within its respective county. A number shall be assigned to such weed district which shall be the lowest number not already taken or adopted by an intercounty weed district in the state, and thereafter such district shall be known as "weed district No. . . .", inserting in the blank the number of the district.

If any county represented does not by a majority vote of its board of commissioners support the petition for an intercounty district, the petition shall be dismissed. [1959 c 205 § 4.]

RCW 17.06.050 Meetings—Qualifications of electors and directors—Elections—Officers—Bonds—Terms—Rules. If the respective boards of county commissioners establish such district the chairman of the principal board shall call a special meeting of landowners to be held within such district for the purpose of electing three directors for such district. No person shall be eligible to hold the office of director who is not a qualified elector of the state of Washington and a resident and landowner within such district. Such meeting shall be held not less than thirty nor more than ninety days from the date when such district is established.

Notice of such meeting shall be given by the principal county auditor by publication once a week for three successive weeks in a newspaper of general circulation in such district, and by posting such notice for not less than ten days before the date fixed for such meeting in three public places within the boundaries of such district. The notices shall state

the object of the meeting and the time and place when the same shall be held.

At the time and place fixed for the meeting the chairman shall appoint two persons to assist him in conducting the election, one of whom shall act as clerk. If such chairman be not present the electors of such district then present shall elect a chairman of the meeting.

Every person who is a landowner within such district and a qualified elector of the state of Washington shall be entitled to vote at such meeting. Any person offering to vote may be challenged by any legally qualified elector of such district, and the chairman of such meeting shall thereupon administer to the person challenged an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States and a qualified elector of the state of Washington and an owner of land within the boundaries of weed district No. . . . (giving number of district)." If the challenged person shall take such oath or make such affirmation, he shall be entitled to vote; otherwise his vote shall not be received. Any person making a false oath, or affirmation, or any person illegally voting at such meeting, shall be punished as provided in the general election laws of the state for illegal voting.

The vote shall be by secret ballot, on white paper of uniform size and quality, of such arrangement that when names are written thereon, the same may be folded so as not to disclose the names. The elector shall write the names of three persons that he desires as the first directors of such district and shall fold his ballot and hand the same to the chairman of the meeting who shall deposit it in a ballot box provided for that purpose. The clerk shall thereupon write the name of such person on a list as having voted at such election. After all persons present and entitled to vote have voted, the chairman shall declare the election closed, and shall, with the assistance of the clerk and the other person appointed as assistant, proceed to count the ballots. The person receiving the greatest number of votes shall be elected as director for a term ending three years from the first Monday in March following his election; the person receiving the second greatest number of votes shall be elected for a term ending two years from the first Monday in March following his election, and the person receiving the third greatest number of votes shall be elected for a term ending one year from the first day of March following his election.

Annually thereafter, there shall be held a meeting of the electors of such district on the first Monday in February. At such meeting one director shall be elected to succeed the director whose term will expire on the first Monday in March following. The directors shall call the annual meeting, and shall fix the time when and place where the same shall be held and shall give the same notice thereof as provided for the initial meeting. The annual meeting shall be conducted in the same manner as is provided for the initial meeting, and the qualifications of electors at such annual meeting shall be the same as is required for the initial meeting.

All directors shall hold office for the term for which they are elected, and until their successors are elected and qualified. In case of a vacancy occurring in the office of any director, the remaining members of the board of directors shall appoint a qualified person to fill the vacancy for

the unexpired term. The board of directors shall elect one of its members chairman and may appoint a secretary who need not be a member of the board, and who shall be paid such compensation as the board may determine. Each director shall furnish a bond in the sum of one thousand dollars, which may be a surety company bond or property bond approved by the principal board of county commissioners, which bond shall be filed with the same board and shall be conditioned for the faithful discharge of his duties. The cost of such bond shall be paid by the district the same as other expenses of the district.

At any annual meeting the method for destroying, preventing and exterminating weeds of such district as set forth in the petition, and the rules and regulations adopted by such district, may be changed by a majority vote of the qualified electors present at such meeting, or a special meeting may be called for that purpose, notice of which meeting and of such proposed changes to be voted on, shall be given to all landowners residing within the district by mailing a copy of such notice and of such proposed changes to the address of such landowner at least one week before the date fixed for such special meeting. [1971 ex.s. c 292 § 16; 1959 c 205 § 5.]

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 17.06.060 Directors powers and duties—Taxation—Treasurer—Costs. The board of directors of an intercounty weed district shall have the same powers and duties as the board of directors of a weed district located entirely within one county, and all the provisions of chapter 17.04 RCW are hereby made applicable to intercounty weed districts: PROVIDED, That in the case of evaluation, assessment, collection, apportionment, and any other allied power or duty relating to taxes in connection with the district, the action shall be performed by the officer or board of the county for that area of the district which is located within his respective county, and all materials, information, and other data and all moneys collected shall be submitted to the proper officer of the county of that part of the district in which the greatest amount of acreage is located. Any power which may be or duty which shall be performed in connection therewith shall be performed by the officer or board receiving such as though only a district in a single county were concerned. All moneys collected from such area constituting a part of such district that should be paid to such district shall be delivered to the principal county treasurer who shall be ex officio treasurer of such district. All other materials, information, or data relating to the district shall be submitted to the district board of directors.

Any costs or expenses incurred under this section shall be borne proportionately by each county involved. [1959 c 205 § 6.]

RCW 17.06.070 Actions of county officers—Costs. Whenever any action is required or may be performed by any county officer or board for all purposes essential to the maintenance, operation, and administration of the district, such action shall be performed by the respective officer or board of the county of that part of the district in which the greatest amount of acreage of the district is located.

All costs incurred shall be borne proportionately by each county in that ratio which the amount of acreage of the district located in that part of each county forming a part of the district bears to the total amount of acreage located in the whole district. [1959 c 205 § 7.]

RCW 17.06.900 Continuation or dissolution of district—Noxious weed control boards. See RCW 17.10.900.

Chapter 17.04 RCW

WEED DISTRICTS

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- 17.04.070 Meetings—Qualifications of electors and directors—
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Agricultural and vegetable seeds: Chapter 15.49 RCW.

Special purpose districts, expenditures to recruit job candidates: RCW 42.24.170.

RCW 17.04.010 Districts authorized—Area and boundaries. The boards of county commissioners of the respective counties may create a weed district or districts within their counties and enlarge any district, or reduce any district or create or combine or consolidate the districts, or divide or create new districts, from time to time, in the manner hereinafter provided, for the purpose of destroying, preventing and exterminating, or to prevent the introduction, propagation, cultivation or increase of, any particular weed, weeds or plants, or all weeds or plants, including Scotch broom, which are now or may hereafter be classed by the agricultural experiment station of Washington State University as noxious weeds, or plants detrimental to or destructive of crops, fruit, trees, shrubs, valuable plants, forage, or other agricultural plants or produce. Any such district shall include not less than one section of land, and the boundaries thereof shall be along an established road, railroad, scab, uncleared or grazing land, or property line, or established lines, or some natural boundary, and shall include only cultivated or farming lands and shall not include any scab, uncleared or grazing land, except such as shall lie wholly within cultivated or farming lands within the districts, or which lie adjacent to such cultivated or farming lands and which are infested, or which may reasonably be expected to become infested, with the particular weed or weeds to be destroyed, prevented and exterminated by such district:

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PROVIDED, That any quarter section of land, or lesser legal subdivision in single ownership, fifty percent of which is cultivated or farming land, shall be considered cultivated and farming land within the meaning of this chapter. [1961 c 250 § 1; 1937 c 193 § 1; 1929 c 125 § 1; RRS § 2771. Prior: 1921 c 150 § 1. Formerly RCW 17.04.010 and 17.04.020.]

RCW 17.04.030 Petition—Time, place and notice of hearing. Any one or more freeholders owning more than fifty percent of the acreage desired to be included within the proposed weed district may file a petition with the board of county commissioners praying that their land be included, either separately or with other lands included in the petition, in a weed district to be formed for the purpose of destroying, preventing or exterminating any one or all such weeds, or that such lands be included within a district already formed, or a new district or districts to be formed out of any district or districts then existing. Such petition shall state the boundaries of the proposed district, the approximate number of acres in the proposed district, the particular weed or weeds to be destroyed, prevented or exterminated, the general method or means to be used in such work, and shall contain a list of all known land owners within the proposed district, together with the addresses of such land owners. Upon the filing of such petition the board of county commissioners shall fix a time for a hearing thereon, and shall give at least thirty days' notice of the time and place of such hearing by posting copies of such notice in three conspicuous places within the proposed district, one copy of which shall be at the main entrance to the court house, and by mailing a copy of such notice to each of the land owners named in the petition at the address therein named, and if any of the land described in the petition be owned by the state, a copy thereof shall be mailed to the department of natural resources at Olympia. [1988 c 128 § 4; 1929 c 125 § 2; RRS § 2772. Prior: 1921 c 150 § 2. Formerly RCW 17.04.030 and 17.04.040.]

RCW 17.04.050 Board to determine petition—Resolution to create district. At the time and place fixed for such hearing the board of county commissioners shall determine whether such weed district shall be created and if such board determines that such district shall be created, it shall fix the boundaries thereof, but shall not modify the purposes of the petition with respect to the weed or weeds to be destroyed, prevented and exterminated as set forth in this petition, and shall not enlarge the boundaries of the proposed district, or enlarge or change the boundary or boundaries of any district or districts already formed without first giving notice to all land owners interested as provided in RCW 17.04.030. If the board shall determine that the weed district petitioned for shall be created it shall pass a

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resolution to that effect and shall assign a number to such weed district which shall be the lowest number not already taken or adopted by a weed district in such county, and thereafter such district shall be known as "Weed District No. . . . of County," inserting in the first blank the number of the district and in the second the name of the county in which the district is organized. [1929 c 125 § 3; RRS §§ 2773, 2774. Prior: 1921 c 150 §§ 3, 4. Formerly RCW 17.04.050 and 17.04.060.]

RCW 17.04.070 Meetings—Qualifications of electors and directors—Elections—Officers—Bonds—Terms of office—Vacancies—Rules and regulations. If the board of county commissioners establish such district it shall call a special meeting to be held within such district for the purpose of electing three directors for such district. No person shall be eligible to hold the office of director who is not a qualified elector of the state of Washington and a resident and landowner within such district. Such meeting shall be held not less than thirty nor more than ninety days from the date when such district is established by such board.

Notice of such meeting shall be given by the county auditor by publication once a week for three successive weeks in a newspaper of general circulation in such district, and by posting such notice for not less than ten days before the date fixed for such meeting in three public places within the boundaries of such district. The notices shall state the object of the meeting and the time and place when the same shall be held.

At the time and place fixed for the meeting the county commissioner in whose commissioner district such district is located shall act as chairman and call the meeting to order. The chairman shall appoint two persons to assist him in conducting the election, one of whom shall act as clerk. If such county commissioner be not present the electors of such district then present shall elect a chairman of the meeting.

Every person who is a landowner within such district and a qualified elector of the state of Washington shall be entitled to vote at such meeting. Any person offering to vote may be challenged by any legally qualified elector of such district, and the chairman of such meeting shall thereupon administer to the person challenged an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States and a qualified elector of the state of Washington and an owner of land within the boundaries of weed district No. . . . of county (giving number of district and name of county)." If the challenged person shall take such oath or make such affirmation, he shall be entitled to vote; otherwise his vote shall not be received. Any person making a false oath, or affirmation, or any person illegally voting at such meeting, shall be punished as provided in the general election laws of the state for illegal voting.

The vote shall be by secret ballot, on white paper of uniform size and quality, of such arrangement that when names are written thereon, the same may be folded so as not to disclose the names. The elector shall write the names of three persons that he desires as the first directors of such district and shall fold his ballot and hand the same to the chairman of the meeting who shall deposit it in a ballot box

provided for that purpose. The clerk shall thereupon write the name of such person on a list as having voted at such election. After all persons present and entitled to vote have voted, the chairman shall declare the election closed, and shall, with the assistance of the clerk and the other person appointed as assistant, proceed to count the ballots. The person receiving the greatest number of votes shall be elected as director for a term ending three years from the first Monday in March following his election; the person receiving the second greatest number of votes shall be elected for a term ending two years from the first Monday in March following his election, and the person receiving the third greatest number of votes shall be elected for a term ending one year from the first Monday of March following his election.

Annually thereafter, there shall be held a meeting of the electors of such district on the last Monday in February, except that the directors may, by giving the same notice as is required for the initial meeting, fix an earlier time for the annual meeting on any nonholiday during the months of December, January or February. At such meeting one director shall be elected to succeed the director whose term will expire on the first Monday in March following. The directors shall call the annual meeting, and shall fix the time and place where the same shall be held and shall give the same notice thereof as provided for the initial meeting. The annual meeting shall be conducted in the same manner as is provided for the initial meeting, and the qualifications of electors at such annual meeting shall be the same as is required for the initial meeting. In conducting directors' elections, the chairman may accept nominations from the floor but voting shall not be limited to those nominated.

All directors shall hold office for the term for which they are elected, and until their successors are elected and qualified. In case of a vacancy occurring in the office of any director, the county commissioners of the county in which such district is located shall appoint a qualified person to fill the vacancy for the unexpired term. The board of directors shall elect one of its members chairman and may appoint a secretary who need not be a member of the board, and who shall be paid such compensation as the board may determine. Each director shall furnish a bond in the sum of one thousand dollars, which may be a surety company bond or property bond approved by the board of county commissioners, which bond shall be filed with the county commissioners and shall be conditioned for the faithful discharge of his duties. The cost of such bond shall be paid by the district the same as other expenses of the district. At any annual meeting the method for destroying, preventing and exterminating weeds of such district as set forth in the petition, and the rules and regulations adopted by such district, may be changed by a majority vote of the qualified electors present at such meeting, or a special meeting may be called for that purpose, notice of which meeting and of such proposed changes to be voted on, shall be given to all landowners residing within the district by mailing a copy of such notice and of such proposed changes to the address of such landowner at least one week before the date fixed for such special meeting. The qualified electors of any weed district, at any annual meeting, may make other weeds that are not on the petition subject to control by the weed district by a two-thirds vote of the electors present: PROVIDED,

That said weeds have been classified by the agricultural experiment station of Washington State University as noxious and: **PROVIDED FURTHER**, That the directors of the weed district give public notice in the manner required for initial meetings of the proposed new control of said weeds by the weed district. [1971 ex.s. c 292 § 15; 1961 c 250 § 2; 1929 c 125 § 4; RRS § 2774-1. Formerly RCW 17.04.070 through 17.04.140.]

Severability—1971 ex.s. c 292: See note following RCW 26.28.010. *Elections: Chapter 29.85 RCW.*

RCW 17.04.150 Powers—Weed inspector. The board of directors of such weed district shall have power:

(1) To adopt rules and regulations, plans, methods and means for the purpose of destroying, preventing and exterminating the weed or weeds specified in the petition, and to supervise, carry out and enforce such rules, regulations, plans, methods and means.

(2) To appoint a weed inspector and to require from him a bond in such sum as the directors may determine for the faithful discharge of his duties, and to pay the cost of such bond from the funds of such district; and to direct such weed inspector in the discharge of his duties; and to pay such weed inspector from the funds of such district such per diem or salary for the time employed in the discharge of his duties as the directors shall determine. [1961 c 250 § 3; 1929 c 125 § 9; RRS § 2778-1. Prior: 1921 c 150 § 6.]

RCW 17.04.160 Contiguous lands. Any city or town contiguous to or surrounded by a weed district formed under this chapter shall provide for the destruction, prevention and extermination of all weeds specified in the petition which are within the boundaries of such city or town, in the same manner and to the same extent as is provided for in such surrounding or contiguous weed district; and it shall be the duty of those in charge of school grounds, playgrounds, cemeteries, parks, or any lands of a public or quasi public nature when such lands shall be contiguous to, or within any weed district, to see that all weeds specified in the petition for the creation of such district are destroyed, prevented and exterminated in accordance with the rules and requirements of such district. [1929 c 125 § 6; RRS § 2775-1.]

Destruction of weeds, etc., city ordinance: RCW 35.21.310.

RCW 17.04.170 Indian reservation lands—United States lands. Any lands owned by any individual wholly or partly within the United States government Indian reservation may be included within a weed district formed under this chapter, and shall be subject to the same rules, regulations and taxes as other lands within the district; and the board of directors of any weed district are authorized to arrange with the officer or agent in charge of any United States lands, within or contiguous to any such district, for the destruction, prevention and extermination of weeds on such government lands. [1929 c 125 § 7; RRS § 2775-2.]

RCW 17.04.180 County and state lands. Whenever any lands belonging to the county are included within a weed district, the county legislative authority shall determine the amount of the taxes for which the lands would be liable if they were in private ownership, and the county legislative

authority shall appropriate from the current expense fund of the county sufficient money to pay such amounts. Whenever any state lands are within any weed district, the county treasurer shall certify annually and forward to the appropriate state agency for payment a statement showing the amount of the tax to which the lands would be liable if they were in private ownership, separately describing each lot or parcel and, if delinquent, with interest and penalties consistent with RCW 84.56.020. [1991 c 245 § 1; 1984 c 7 § 18; 1971 ex.s. c 119 § 1; 1961 c 250 § 4; 1929 c 125 § 8; RRS § 2777. Prior: 1921 c 150 § 7.]

Severability—1984 c 7: See note following RCW 47.01.141.

RCW 17.04.190 Duties of weed inspector. It shall be the duty of the weed inspector to carry out the directions of the board of directors and to see that the rules and regulations adopted by the board are carried out. He shall personally deliver or mail to each resident landowner within such district and to any lessee or person in charge of any land within such district and residing in such district, a copy of the rules and regulations of such district; and he shall personally deliver a copy thereof to nonresident landowners or shall deposit a copy of the same in the United States post office in an envelope with postage prepaid thereon addressed to the last known address of such person as shown by the records of the county auditor; and in event no such address is available for mailing he shall post a copy of such rules and regulations in a conspicuous place upon such land. A record shall be kept by the weed inspector of such dates of mailing, posting or delivering such rules and regulations. In case of any railroad such rules and regulations shall be delivered to the section foreman, or to any official of the railroad having offices within the state. Such rules and regulations must be delivered, posted or mailed by the weed inspector as herein provided at least ten days before the time to start any annual operations necessary to comply with such rules and regulations: **PROVIDED**, That after such district shall have been in operation two years such rules and regulations shall be delivered to resident landowners only once every three years, unless such rules and regulations are changed. [1961 c 250 § 5; 1929 c 125 § 10; RRS § 2778-2.]

RCW 17.04.200 Violation of rules and regulations—Notice to destroy weeds—Destruction. (1) If the weed inspector, or the board of directors, shall find that the rules and regulations of the weed district are not being carried out on any one or more parcels of land within such district, the weed inspector shall give forthwith a notice in writing, on a form to be prescribed by the directors, to the owners, tenants, mortgagees, and occupants, or to the accredited resident agent of any nonresident owner of such lands within the district whereon noxious weeds are standing, being or growing and in danger of going to seed, requiring him to cause the same to be cut down, otherwise destroyed or eradicated on such lands in the manner and within the time specified in the notice, such time, however, not to exceed seven days. It shall be the duty of the county auditor and county treasurer to make available to the weed inspector lists of owners, tenants, and mortgagees of lands within such district;

(2) If a resident agent of any nonresident owner of lands where noxious weeds are found standing, being or growing cannot be found, the local weed inspector shall post said notice in the form provided by the directors in three conspicuous places on said land, and in addition to posting said notice the local weed inspector shall, at the same time mail a copy thereof by registered or certified mail with return receipt requested to the owner of such nonresident lands, if his post office address is known or can be ascertained by said inspector from the last tax list in the county treasurer's office, and it shall be the duty of the treasurer to furnish such lists upon request by the weed inspector. Proof of such serving, posting and mailing of notice by the weed inspector shall be made by affidavit forthwith filed in the office of the county auditor and it shall be the duty of the county auditor to accept and file such affidavits;

(3) If the weeds are not cut down, otherwise destroyed or eradicated within the time specified in said notice, the local weed inspector shall personally, or with such help as he may require, cause the same to be cut down or otherwise destroyed in the manner specified in said notice. [1961 c 250 § 6; 1937 c 193 § 2; 1929 c 125 § 11; RRS § 2778-3. Prior: 1921 c 150 § 9, part.]

RCW 17.04.210 Statement of expense—Hearing.

The weed inspector shall keep an accurate account of expenses incurred by him in carrying out the provisions of this chapter with respect to each parcel of land entered upon, and the prosecuting attorney of the county or the attorney for the weed district shall cause to be served, mailed or posted in the same manner as provided in this chapter for giving notice to destroy noxious weeds, a statement of such expenses, including description of the land, verified by oath of the weed inspector to the owner, lessee, mortgagee, occupant or agent, or person having charge of said land, and coupled with such statement shall be a notice subscribed by said prosecuting attorney or attorney for the weed district and naming a time and place when and where such matter will be brought before the board of directors of such district for hearing and determination, said statement or notice to be served, mailed or posted, as the case may be, at least ten days before the time for such hearing. [1961 c 250 § 7; 1929 c 125 § 12; RRS § 2778-4.]

RCW 17.04.220 Examination at hearing of expenses—Amount is tax on land—Effect of failure to serve notices. At the time of such hearing as provided in RCW 17.04.210, or at such time to which the same may be continued or adjourned, the board of directors shall proceed to examine expenses incurred by the weed inspector in controlling weeds on the parcel of land in question, and shall hear such testimony of such other persons who may have legal interest in the proceedings, and shall enter an order upon its minutes as to what amount, if any, is properly chargeable against the lands for weed control. Cost of serving, mailing and posting shall be added to any amount so found to be due and shall be considered part of the cost of weed control on the land in question. The amount so charged by the directors shall be a tax on the land on which said work was done after the expiration of ten days from the date of entry of said order, unless an appeal be taken as in

this chapter provided, in which event the same shall become a tax at the time the amount to be paid shall be determined by the court; and the county treasurer shall enter the same on the tax rolls against the land for the current year and collect it, together with penalty and interest, as other taxes are collected, and when so collected the same shall be paid into the fund for such weed district: PROVIDED, That a failure to serve, mail or post any of the notices or statements provided for in this chapter, shall not invalidate said tax, but in case of such failure the lien of such tax shall be subordinate and inferior to the interests of any mortgagee to whom notice has not been given in accordance with the provisions of this chapter. [1961 c 250 § 8; 1929 c 125 § 13; RRS § 2778-5. Prior: 1921 c 150 § 5. FORMER PART OF SECTION: 1925 c 125 § 14 now codified in RCW 17.04.230.]

RCW 17.04.230 Appellate review—Notice—Cost bond. Any interested party may appeal from the decision and order of the board of directors of such district to the superior court of the county in which such district is located, by serving written notice of appeal on the chairman of the board of directors and by filing in the office of the clerk of the superior court a copy of said notice of appeal with proof of service attached, together with a good and sufficient cost bond in the sum of two hundred dollars, said cost bond to run to such district and in all respects to comply with the laws relating to cost bonds required of nonresident plaintiffs in the superior court. Said notice must be served and filed within ten days from the date of the decision and order of such board of directors, and said bond must be filed within five days after the filing of such notice of appeal. Whenever notice of appeal and the cost bond as herein provided shall have been filed with the clerk of the superior court, the clerk shall notify the board of directors of such district thereof, and such board shall forthwith certify to said court all notices and records in said matters, together with proof of service, and a true copy of the order and decision pertaining thereto made by such board. If no appeal be perfected within ten days from the decision and order of such board, the same shall be deemed confirmed and the board shall certify the amount of such charges to the county treasurer who shall enter the same on the tax rolls against the land. When an appeal is perfected the matter shall be heard in the superior court de novo and the court's decision shall be conclusive on all persons served under this chapter: PROVIDED, That appellate review of the order or decision of the superior court in the manner provided by existing laws, and upon the conclusion of such review, the amount of charges and costs adjudged to be paid shall be certified by the clerk of the superior court to the county treasurer and said treasurer shall proceed to enter the same on his rolls against the lands affected. [1988 c 202 § 21; 1971 c 81 § 56; 1929 c 125 § 14; RRS § 2778-6. Formerly RCW 17.04.220, part, and 17.04.230.]

Appeals to supreme court: Rules of court: See Rules of Appellate Procedure.

Severability—1988 c 202: See note following RCW 2.24.050.

Cost bonds, civil procedure: RCW 4.84.210 through 4.84.240.

RCW 17.04.240 Assessments—Classification of property—Tax levy. The directors shall annually determine the amount of money necessary to carry on the operations of the district and shall classify the property therein in proportion to the benefits to be derived from the operations of the district and in accordance with such classification shall prorate the cost so determined and shall levy assessments to be collected with the general taxes of the county. In the event that any bonded or warrant indebtedness pledging tax revenue of the district shall be outstanding on April 1, 1951, the directors may, for the sole purpose of retiring such indebtedness, continue to levy a tax upon all taxable property in the district until such bonded or warrant indebtedness shall have been retired. [1957 c 13 § 2. Prior: 1951 c 107 § 1; 1929 c 125 § 5, part; RRS § 2774-2.]

Validating—1957 c 13: "The provisions of this act are retroactive and any actions or proceedings had or taken under the provisions of RCW 17.04.240, 17.04.250, 17.04.260, 17.08.050, 17.08.060, 17.08.070, 17.08.080, 17.08.090, 17.08.100 or 17.08.110 are hereby ratified, validated and confirmed." [1957 c 13 § 14.]

RCW 17.04.245 Assessment—Tax roll—Collection. Such assessments as are made under the provisions of RCW 17.04.240, by the weed district commissioners, shall be spread by the county assessor on the general tax roll in a separate item. Such assessments shall be collected and accounted for with the general taxes, with the terms and penalties thereto attached. [1951 1st ex.s. c 6 § 1.]

RCW 17.04.250 District treasurer—Duties—Fund. The county treasurer shall be ex officio treasurer of such district and the county assessor and other county officers shall take notice of the formation of such district and of the tax levy and shall extend the tax on the tax roll against the property liable therefor the same as other taxes are extended, and such tax shall become a general tax against such property, and shall be collected and accounted for as other taxes, with the terms and penalties thereto attached. The moneys collected from such tax shall be paid into a fund to be known as "fund of weed district of county" (giving the number of district and name of county). All expenses in connection with the operation of such district, including the expenses of initial and annual meetings, shall be paid from such fund, upon vouchers approved by the board of directors of such district. [1957 c 13 § 3. Prior: 1929 c 125 § 5, part; 1921 c 150 § 5; RRS § 2775.]

RCW 17.04.260 Limit of indebtedness. No weed district shall contract any obligation in any year in excess of the total of the funds which will be available during the current year from the tax levy made in the preceding year and funds received in the current year from services rendered and from any other lawful source, and funds accumulated from previous years. [1963 c 52 § 1; 1961 c 250 § 9; 1957 c 13 § 4. Prior: 1929 c 125 § 5, part; 1921 c 150 § 8; RRS § 2778.]

RCW 17.04.270 Districts organized under prior law—Reorganization. Any weed district heretofore organized under any law of the state of Washington may become a weed district under the provisions of this chapter

and entitled to exercise all the powers and subject to the limitations of a weed district organized under this chapter by the election of three directors for such weed district which shall be done in the same manner as is provided in this chapter for the election of the first directors of a district organized under this chapter. [1929 c 125 § 15; RRS § 2778-7.]

RCW 17.04.280 Officials of district may enter lands—Penalty for prevention. All weed district directors, all weed inspectors, and all official agents of all weed districts, in the performance of their official duties, have the right to enter and go upon any of the lands within their weed district at any reasonable time for any reason necessary to effectuate the purposes of the weed district. Any person who prevents or threatens to prevent any lawful agent of the weed district, after said agent identifies himself and the purpose for which he is going upon the land, from entering or going upon the land within said weed district at a reasonable time and for a lawful purpose of the weed district, is guilty of a misdemeanor. [1961 c 250 § 10.]

RCW 17.04.900 Disincorporation of district located in county with a population of two hundred ten thousand or more and inactive for five years. See chapter 57.90 RCW.

RCW 17.04.910 Continuation or dissolution of district—Noxious weed control boards. See RCW 17.10.900.

Chapter 16-750 WAC

STATE NOXIOUS WEED LIST AND SCHEDULE OF MONETARY PENALTIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-750-010	Proposed noxious weed list. [Statutory Authority: RCW 17.10.080. 87-05-016 (Order 18, Resolution No. 18), § 16-750-010, filed 2/11/87; 86-07-024 (Order 17, Resolution No. 17), § 16-750-010, filed 3/13/86; 85-07-003 (Order 16, Resolution No. 16), § 16-750-010, filed 3/7/85; 84-06-047 (Order 15, Resolution No. 15), § 16-750-010, filed 3/6/84; 83-07-042 (Order 14, Resolution No. 14), § 16-750-010, filed 3/17/83; 82-06-045 (Order 13, Resolution No. 13), § 16-750-010, filed 3/3/82. Statutory Authority: Chapter 17.10 RCW. 81-07-039 (Order 12, Resolution No. 12), § 16-750-010, filed 3/13/81; 80-03-075 (Order 11, Resolution No. 11), § 16-750-010, filed 2/29/80; 78-06-014 (Order 10, Resolution No. 10), § 16-750-010, filed 5/10/78; Order 8, § 16-750-010, filed 3/1/77; Order 7, § 16-750-010, filed 4/15/76; Order 5, § 16-750-010, filed 3/7/75; Order 4, § 16-750-010, filed 3/27/74; Order 3, § 16-750-010, filed 4/3/73; Order 2, § 16-750-010, filed 3/16/72; Order 1, § 16-750-010, filed 4/9/71.] Repealed by 88-07-016 (Order 22, Resolution No. 22), filed 3/7/88. Statutory Authority: RCW 17.10.080.
16-750-175	State noxious weed control board—Reports. [Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-175, filed 12/2/92, effective 1/2/93.] Repealed by 99-24-029, filed 11/23/99, effective 1/3/00. Statutory Authority: Chapter 17.10 RCW.
16-750-190	State noxious weed control board—Rule amendments. [Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-190, filed 12/2/92, effective 1/2/93.] Repealed by 99-24-029, filed 11/23/99, effective 1/3/00. Statutory Authority: Chapter 17.10 RCW.

(11/28/01)

16-750-900	Noxious weeds—Civil infractions—Schedule of monetary penalties. [Statutory Authority: RCW 17.10.350. 88-07-016 (Order 22, Resolution No. 22), § 16-750-900, filed 3/7/88.] Repealed by 93-01-004, filed 12/2/92, effective 1/2/93. Statutory Authority: Chapter 17.10 RCW.
16-750-950	State noxious weed control board position numbers—Eligibility for voting. [Statutory Authority: RCW 17.10.030. 89-16-007 (Order 28, Resolution No. 28), § 16-750-950, filed 7/21/89, effective 8/21/89.] Repealed by 93-01-004, filed 12/2/92, effective 1/2/93. Statutory Authority: Chapter 17.10 RCW.

WAC 16-750-001 State noxious weed list—Purpose.

In accordance with RCW 17.10.080 a state noxious weed list of the names of those plants which the state noxious weed control board finds to be highly destructive, competitive, or difficult to control by cultural or chemical practices is adopted.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-001, filed 11/23/99, effective 1/3/00; 91-24-072, § 16-750-001, filed 12/2/91, effective 1/2/92. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-001, filed 3/7/88.]

WAC 16-750-003 Definitions. (1) The definitions in this section shall apply throughout this chapter, unless the context plainly requires otherwise:

(a) "Action" means the transaction of the official business of the Washington state noxious weed control board including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, and final actions.

(b) "Board" means the Washington state noxious weed control board, or a duly authorized representative.

(c) "Director" means the director of the department of agriculture, or the director's appointed representative.

(d) "Executive secretary" means the executive secretary of the Washington state noxious weed control board.

(e) "Department" means the department of agriculture of this state.

(f) "Final action" means a collective positive or negative decision, or an actual vote by a majority of board members when sitting as a body or entity, upon a motion, proposal, resolution, or order.

(g) "Meeting" means meetings at which action is taken.

(h) "Regular meetings" means recurring meetings held in accordance with a periodic schedule in compliance with applicable statute or rule.

(2) The definitions in this subsection apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context plainly requires otherwise:

(a) "Control" means to prevent all seed production and to prevent the dispersal of the following propagules of aquatic noxious weeds - turions, fragments, tubers, and nutlets.

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(b) "Contain" means to confine a noxious weed and its propagules to an identified area of infestation.

(c) "Eradicate" means to eliminate a noxious weed within an area of infestation.

(d) "Prevent the spread of noxious weeds" means to contain noxious weeds.

(e) Class A noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state.

(f) Class B noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region.

(g) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be prevented within a calendar year.

(h) Class C are any other noxious weeds.

(3) Any county noxious weed control board may enhance the clarity of any definition contained in subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-003, filed 11/23/99, effective 1/3/00; 97-06-108, § 16-750-003, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-003, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-003, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-003, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-003, filed 12/7/89, effective 1/7/90; 88-18-001 (Order 24, Resolution No. 24), § 16-750-003, filed 8/25/88.]

WAC 16-750-004 Noxious weed region descriptions.

The state of Washington is divided into ten regions for the purpose of designating Class B noxious weeds.

(1) Region 1 description. A region consisting of all lands lying within the boundaries of Clallam and Jefferson counties.

(2) Region 2 description. A region consisting of all lands lying within the boundaries of Whatcom, Skagit, Snohomish, San Juan, and Island counties.

(3) Region 3 description. A region consisting of:

(a) All lands lying within the boundaries of Okanogan County.

(b) All lands lying within the boundaries of Chelan and Douglas counties and north of Highway 2.

(4) Region 4 description. A region consisting of:

(a) All lands lying within the boundaries of Ferry, Stevens, and Pend Oreille counties.

(b) All lands lying within the boundaries of Spokane County and north of the Spokane River.

(5) Region 5 description. A region consisting of all lands lying within the boundaries of Grays Harbor, Mason, Kitsap, Thurston, Pierce, and King counties.

(6) Region 6 description. A region consisting of:

(a) All lands lying within the boundaries of Kittitas and Grant counties.

(b) All lands lying within the boundaries of Chelan and Douglas counties and south of Highway 2.

(c) All lands lying within the boundaries of Yakima County and north of Highway 12 from the Yakima — Lewis County line to Yakima and north of Highway 82 from Yakima to the Yakima — Kittitas County line.

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(d) All lands lying within the boundaries of Ranges 28E, 29E, and 30E of Adams County.

(7) Region 7 description. A region consisting of:

(a) All lands lying within the boundaries of Lincoln and Whitman counties.

(b) All lands lying within the boundaries of Spokane County and south of the Spokane River.

(c) All lands lying within the boundaries of Ranges 31E, 32E, 33E, 34E, 35E, 36E, 37E, and 38E of Adams County.

(8) Region 8 description. A region consisting of all lands lying within the boundaries of Pacific, Lewis, Wahkiakum, Cowlitz, Skamania, and Clark counties.

(9) Region 9 description. A region consisting of:

(a) All lands lying within the boundaries of Benton and Klickitat counties.

(b) All lands lying within the boundaries of Yakima County and south of Highway 12 from the Yakima — Lewis County line to Yakima and south of Highway 82 from Yakima to the Yakima — Kittitas County line.

(c) All lands lying within the boundaries of Franklin County and west of Highway 395.

(10) Region 10 description. A region consisting of:

(a) All lands lying within the boundaries of Asotin, Garfield, Columbia, and Walla Walla counties.

(b) All lands lying within the boundaries of Franklin County and east of Highway 395.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-004, filed 11/23/99, effective 1/3/00; 91-24-072, § 16-750-004, filed 12/2/91, effective 1/2/92; 88-18-001 (Order 24, Resolution No. 24), § 16-750-004, filed 8/25/88.]

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

Common Name	Scientific Name
bean-caper, Syrian	<i>Zygophyllum fabago</i>
blueweed, Texas	<i>Helianthus ciliaris</i>
broom, Spanish	<i>Spartium junceum</i>
buffalobur	<i>Solanum rostratum</i>
clary, meadow	<i>Salvia pratensis</i>
cordgrass, salt meadow	<i>Spartina patens</i>
crupina, common	<i>Crupina vulgaris</i>
flax, spurge	<i>Thymelaea passerina</i>
four o'clock, wild	<i>Mirabilis nyctaginea</i>
goatsrue	<i>Galega officinalis</i>
hawkweed, yellow devil	<i>Hieracium floribundum</i>
hogweed, giant	<i>Heracleum mantegazzianum</i>
hydrilla	<i>Hydrilla verticillata</i>
johnsongrass	<i>Sorghum halepense</i>
knapweed, bighead	<i>Centaurea macrocephala</i>
knapweed, Vochin	<i>Centaurea nigrescens</i>
lawnweed	<i>Soliva sessilis</i>
mustard, garlic	<i>Alliaria petiolata</i>
nightshade, silverleaf	<i>Solanum elaeagnifolium</i>
sage, clary	<i>Salvia sclarea</i>
sage, Mediterranean	<i>Salvia aethiopis</i>
saltcedar	<i>Tamarix ramosissima</i>
spurge, eggleaf	<i>Euphorbia oblongata</i>

starthistle, purple
thistle, Italian
thistle, milk
thistle, slenderflower
velvetleaf
woad, dyers

Centaurea calcitrapa
Carduus pycnocephalus
Silybum marianum
Carduus tenuiflorus
Abutilon theophrasti
Isatis tinctoria

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-005, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-005, filed 11/23/98, effective 1/2/99; 97-24-051, § 16-750-005, filed 11/26/97, effective 1/2/98. Statutory Authority: RCW 17.10.080.96-06-030, § 16-750-005, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-005, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-005, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-005, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-005, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-005, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-005, filed 3/7/88.]

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

Name	Will be a "Class B designate" in all lands lying within:
(1) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams County of region 7
(2) blueweed <i>Echium vulgare</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.
(3) broom, Scotch <i>Cytisus scoparius</i>	(a) regions 3, 4, 6, 7, 9, 10.
(4) bryony, white <i>Bryonia alba</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) region 7 except Whitman County (c) Franklin County of region 10.
(5) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) region 4 except Stevens and Spokane counties (c) Lincoln, Adams, and Whitman counties of region 7.
(6) bugloss, annual <i>Anchusa arvensis</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) Lincoln and Adams counties (c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.
(7) camelthorn <i>Alhagi maurorum</i>	(a) regions 1, 2, 3, 4, 5, 7, 8, 9 (b) region 6 except those portions of Sections 23, 24, 25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County and except the area west of Highway 17 and north of Highway 26 in Adams County (c) Franklin, Columbia, Garfield, and Asotin counties of region 10 (d) an area beginning at the Washington—Oregon border at the southwest portion of section 5, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning.
(8) carrot, wild <i>Daucus carota</i>	(a) regions 3, 7 (except where intentionally cultivated) (b) Spokane and Ferry counties of region 4 (except where intentionally cultivated) (c) region 6, except Yakima County (except where intentionally cultivated) (d) region 9, except Yakima County (except where intentionally cultivated) (e) region 10, except Walla Walla County (except where intentionally cultivated).
(9) catsear, common <i>Hypochaeris radicata</i>	(a) regions 3, 4, 6, 7, 10 (b) region 9 except Klickitat County.
(10) chervil, wild <i>Anthriscus sylvestris</i>	(a) regions 1, 3, 4, 6, 7, 9, 10 (b) region 5 except those portions of Thurston County within T15, 16, 17N, R2, 3, 4W

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(11) cinquefoil, sulfur <i>Potentilla recta</i>	(c) region 2 except Guemes Island in Skagit County (d) region 8 except Clark County. (a) regions 1, 3, 8, 10 (b) region 2 except Skagit County (c) region 4 except Stevens, Ferry, and Pend Oreille counties (d) region 5 except Thurston County (e) region 6 except Yakima County (f) region 7 except Spokane County (g) region 8 except Lewis County (h) region 9 except Klickitat County.	(20) hawkweed, mouseear <i>Hieracium pilosella</i>	(d) Wahkiakum, Cowlitz, and Lewis counties of region 8 (e) Clallam County of region 1. (a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 except Thurston County (c) Thurston County lying within T17N, R1W, S31; T16N, R2W, S30 W1/2; T16N, R3W, S25, SE1/4; T16N, R3W, S36, N1/2; T16N, R2W, S31, NW1/4. (a) regions 3, 6, 9, 10
(12) cordgrass, smooth <i>Spartina alterniflora</i>	(a) regions 1, 3, 4, 5, 6, 7, 9, 10		(b) Clallam County of region 1 (c) Skagit County of region 2 (d) Ferry County of region 4 (e) Thurston and King counties of region 5 (f) Lincoln and Adams counties of region 7 (g) Lewis County of region 8.
(13) cordgrass, common <i>Spartina anglica</i>	(b) region 2 except Padilla Bay of Skagit County (c) region 8 except bays and estuaries of Pacific County. (a) regions 1, 3, 4, 5, 6, 7, 8, 9, 10 (b) region 2 except bays and estuaries of Skagit and Island counties and except bays and estuaries north of Everett in Snohomish County.	(22) hawkweed, polar <i>Hieracium atratum</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 outside the boundaries of Mt. Rainier National Park.
(14) daisy, oxeye <i>Leucanthemum vulgare</i>	(a) regions 7, 10	(23) hawkweed, smooth <i>Hieracium laevigatum</i>	(a) regions 1, 3, 4, 5, 6, 7, 8, 9, 10 (b) San Juan, Island, and Skagit counties of region 2.
(15) elodea, Brazilian <i>Egeria densa</i>	(a) regions 3, 4, 6, 7, 9, 10	(24) hawkweed, yellow <i>Hieracium caespitosum</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 10 (b) region 4 except north of T32N in Pend Oreille County and east Highway 395 and north of Highway 20 in Stevens County
(16) fanwort <i>Cabomba caroliniana</i>	(b) region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East (c) region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E. (a) regions 3, 4, 6, 7, 9, 10	(25) hedgeparsley <i>Torilis arvensis</i>	(c) region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E, of Klickitat County. (a) regions 1, 2, 3, 4, 5, 6, 7, 8, 10 (b) Yakima, Benton, Franklin counties (c) Klickitat County except those lands lying within T4N, R10E, R11E, R12E, R13E, R14E; T3N, R10E, R11E, R12E, R13E; T2N, R12E, R13E.
(17) fieldcress, Austrian <i>Rorippa austriaca</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9	(26) helmet, policeman's <i>Impatiens glandulifera</i>	(a) regions 1, 3, 4, 6, 7, 8, 9, 10 (b) region 2 except Whatcom County (c) region 5 except Pierce and Thurston counties.
(18) floating heart, yellow <i>Nymphoides peltata</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10 (b) region 4 except the Spokane River between Long Lake Dam and Nine Mile Dam.	(27) herb-Robert <i>Geranium robertianum</i>	(a) regions 3, 4, 6, 7, 9, 10
(19) gorse <i>Ulex europaeus</i>	(a) regions 3, 4, 6, 7, 9, 10 (b) Skagit and Whatcom counties of region 2 (c) Thurston, Pierce, and King counties of region 5	(28) houndstongue <i>Cynoglossum officinale</i> (29) indigobush <i>Amorpha fruticosa</i>	(a) Kittitas County of region 6. (a) regions 1, 2, 3, 4, 5, 6

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(30) knapweed, black <i>Centaurea nigra</i>	(b) regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream	(35) knapweed, spotted <i>Centaurea biebersteinii</i>	(e) region 10 except Franklin County.
	(c) regions 8, 9, and 10 except within 200 feet of the Columbia River.		(a) regions 1, 2, 3, 5, 6, 8, 9
	(a) regions 1, 2, 3, 4, 5, 7, 9, 10		(b) Ferry County of region 4
	(b) region 6 except Kittitas County		(c) Adams and Whitman counties of region 7
(31) knapweed, brown <i>Centaurea jacea</i>	(c) region 8 except Clark County.	(36) knotweed, giant <i>Polygonum sachalinense</i>	(d) region 10 except Garfield County.
	(a) regions 1, 2, 3, 4, 5, 7, 9, 10		(a) Kittitas County of region 6.
	(b) region 6 except Kittitas County		(37) knotweed, Japanese <i>Polygonum cuspidatum</i>
	(c) region 8 except Clark County.		(a) Kittitas County of region 6.
(32) knapweed, diffuse <i>Centaurea diffusa</i>	(a) regions 1, 2, 5, 8	(38) kochia <i>Kochia scoparia</i>	(a) Clallam County of region 1
	(b) Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5, 6, 7, 8, 17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M.		(b) Skagit and Whatcom counties of region 2
	(c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22, 26, 27, 28, 31, 32, 33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2, 10, 11, 14, 15, 19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6		(c) Pend Oreille County of region 4
	(d) Franklin County of regions 9 and 10.		(d) King County of region 5
(33) knapweed, meadow <i>Centaurea jacea x nigra</i>	(a) regions 1, 2, 3, 4, 5, 7, 9, 10	(39) lepyrodiclis <i>Lepyrodiclis holosteoides</i>	(e) Kittitas County of region 6.
	(b) region 6 except Kittitas County		(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10
	(c) region 8 except Clark County.		(b) region 7 except an area within Whitman County east of the Pullman—Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
	(a) regions 1, 2, 3, 4, 5, 7, 9, 10		(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10
(34) knapweed, Russian <i>Acroptilon repens</i>	(b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County	(40) loosestrife, garden <i>Lysimachia vulgaris</i>	(b) region 5 except King County
	(c) Adams County of region 6 except for the area west of Highway 17 and North of Highway 26		(c) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line.
	(d) Intercounty Weed District No. 52		(a) regions 1, 4, 7, 8
			(b) region 2 except Snohomish County
		(41) loosestrife, purple <i>Lythrum salicaria</i>	(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside Grays Harbor, Mason, Kitsap, and Thurston counties of region 5
			(d) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line
			(f) Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(42) loosestrife, wand <i>Lythrum virgatum</i>	(g) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed		(i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.
	(h) region 9 except Benton County		
	(i) region 10 except Walla Walla County		
	(j) Intercounty Weed Districts No. 51 and No. 52.		
	(a) regions 1, 4, 7, 8		(ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
	(b) region 2 except Snohomish County		(d) region 10 except Walla Walla County.
	(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside		(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
	(d) region 5 except King County		(b) region 8 except Skamania County.
	(e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line	(44) oxtongue, hawkweed <i>Picris hieracioides</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
	(f) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed	(45) parrotfeather <i>Myriophyllum aquaticum</i>	(b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
(43) nutsedge, yellow <i>Cyperus esculentus</i>	(g) region 9 except Benton County	(46) pepperweed, perennial <i>Lepidium latifolium</i>	(a) regions 1, 2, 3, 4, 5, 7, 8, 10
	(h) region 10 except Walla Walla County		(b) Intercounty Weed Districts No. 51 and 52
	(i) Intercounty Weed Districts No. 51 and No. 52.		(c) Kittitas County of region 6
	(a) regions 1, 2, 3, 4, 5, 7, 8		(d) Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.
	(b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.	(47) primrose, water <i>Ludwigia hexapetala</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
	(c) region 9 except:		(b) region 8 except T8N, R3W, S14 of Cowlitz County.
		(48) puncturevine <i>Tribulus terrestris</i>	(a) Skagit County of region 2
			(b) Kittitas County of region 6
			(c) Adams County
			(d) Clallam County of region 1

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(49) ragwort, tansy <i>Senecio jacobaea</i>	(a) regions 3, 4, 6, 7, 9, 10 (b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.	(h) Garfield County south of Highway 12 (i) Columbia County from the Walla Walla County line on Highway 12, all areas south of Turner Road; at Turner Road to the Garfield county line, all areas south and east of Turner Road (j) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.	(a) regions 1, 2, 3, 4, 7, 8, 9, 10
(50) sandbur, longspine <i>Cenchrus longispinus</i>	(a) regions 1, 2, 3, 4, 5, 7, 8 (b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52 (c) Intercounty Weed District No. 51 (d) Kittitas County of region 6.	(a) Adams County of region 6 region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties. (b) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (c) region 7 except as follows: (i) T27N, R37E, Sections 34, 35, 36; T27N, R38E, Sections 31, 32, 33; T26N, R37E, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 26; T26N, R38E, Sections 5, 6, 7, 8 of Lincoln County (ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except as follows: (i) T27N, R37E, Sections 34, 35, 36; T27N, R38E, Sections 31, 32, 33; T26N, R37E, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 26; T26N, R38E, Sections 5, 6, 7, 8 of Lincoln County (ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.
(51) skeletonweed, rush <i>Chondrilla juncea</i>	(a) regions 1, 2, 3, 5, 8, 9 (b) Franklin County except T13N, R36E; and T14N, R36E (c) Adams County except those areas lying east of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line. (d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road I Northwest (e) Stevens County north of Township 33 North of region 4 (f) Ferry and Pend Oreille counties of region 4 (g) Asotin County of region 10	(a) regions 1, 2, 3, 5, 6, 8 (b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25 (c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (d) Franklin County (e) region 9 except Klickitat County	(a) regions 1, 2, 3, 5, 6, 8 (b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25 (c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (d) Franklin County (e) region 9 except Klickitat County
		(52) sowthistle, perennial <i>Sonchus arvensis</i> <i>spp. arvensis</i>	
		(53) spurge, leafy <i>Euphorbia esula</i>	
		(54) starthistle, yellow <i>Centaurea solstitialis</i>	

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(55) Swainsonpea <i>Sphaerophysa salsula</i>	(f) in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25, 26, 27, 28, 29, 31, 32, 33, 34, and 35; T11N, R45E, Sections 21, 22, 23, and 25; T11N, R36E, Sections 19, 20, 21, 28, 29, 30, 31, 32, and 33; T10N, R44E, Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, and 16; T10N, R45E, Sections 23 and 24; T10N, R46E, Sections 7, 8, 17, 18, 19, 20, 21, 22, 27, 34, and 35; T9N, R46E, Sections 1, 2, 12, 13, 14, 23, 24, 25, 26, 35, and 36; T9N, R47E, Sections 18, 19, 30, and 31; T8N, R46E, Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 23, and 24; T8N, R47E, Sections 8, 17, 18, 19, 20, 29, 30, 31, and 32.	(60) watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(b) Douglas County of region 3 lying south of T25N, west of R25E, and east of R28E
	(a) regions 1, 2, 3, 4, 5, 7, 8		(c) Okanogan County lying within T 33, 34, 35N, R19, 20, 21, 22E, except the southwest, southeast, and northeast quarters of the northeast quarter of section 27, T35N, R21E; and the northeast quarter of the southeast quarter of section 27, T35N, R21E
	(b) Columbia, Garfield, Asotin, and Franklin counties		(d) Kittitas, Chelan, Douglas, and Adams counties of region 6
(56) thistle, musk <i>Carduus nutans</i>	(c) an area beginning at the Washington—Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning	(a) regions 1, 9, 10	(e) Intercounty Weed District No. 51
	(d) Weed District No. 3 of Grant County		(f) Weed District No. 3 of Grant County
	(e) Adams County of region 6.		(g) Lincoln and Adams counties
(57) thistle, plumeless <i>Carduus acanthoides</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10	(a) regions 1, 9, 10	(h) The western two miles of Spokane County of region 7 except as follows:
	(b) Spokane and Pend Oreille counties.		(i) those areas lying within Yakima County
	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10		(ii) those areas lying west of the Klickitat River and within Klickitat County.
(58) thistle, Scotch <i>Onopordum acanthium</i>	(b) region 4 except those areas within Stevens County lying north of State Highway 20.	(a) regions 1, 9, 10	(b) region 7 except Spokane County
	(a) regions 1, 2, 3, 4, 5, 6, 8, 9		(c) region 8 except within 200 feet of the Columbia River
	(b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border		(d) Adams County of region 6
(59) toadflax, Dalmatian <i>Linaria dalmatica ssp. dalmatica</i>	(c) Franklin County.	(a) regions 1, 9, 10	(e) in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.
	(a) regions 1, 2, 5, 8, 10		

[Statutory Authority: Chapter 17.10 RCW. 01-24-035, § 16-750-011, filed 11/28/01, effective 12/29/01; 00-24-017, § 16-750-011, filed 11/28/00, effective 1/2/01; 99-24-029, § 16-750-011, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-011, filed 11/23/98, effective 1/2/99; 97-24-051, § 16-750-011, filed 11/26/97, effective 1/2/98; 97-06-108, § 16-750-011, filed 3/5/97, effective 4/5/97. Statutory Authority: RCW 17.10.080. 96-06-030, § 16-750-011, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 95-06-002, § 16-750-011, filed 2/16/95, effective 3/19/95; 94-01-076, § 16-750-011, filed 12/10/93, effective 1/10/94; 93-01-004, § 16-750-011, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-011, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-011, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-011, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-011, filed 11/29/88; 88-18-001 (Order 24, Resolution No. 24), § 16-750-011, filed 8/25/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-011, filed 3/7/88.]

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name

babysbreath
beard, old man's
bindweed, field
canarygrass, reed
cockle, white
cocklebur, spiny
cress, hoary

Scientific Name

Gypsophila paniculata
Clematis vitalba
Convolvulus arvensis
Phalaris arundinacea
Silene latifolia ssp. alba
Xanthium spinosum
Cardaria draba

Common Name

dodder, smoothseed alfalfa
goatgrass, jointed
hawkweed, nonnative species

Scientific Name

Cuscuta approximata
Aegilops cylindrica
Heiracium sp., except species designated in the note in the left-hand column

Note:

This listing includes all species of *Heiracium*, except the following:

- Species designated as Class A noxious weeds in WAC 16-750-005;
 - Species designated as Class B noxious weeds in WAC 16-750-011;
 - native species designated below:
 - Canada hawkweed (*H. canadense*)
 - houndstongue hawkweed (*H. cynoglossoides*)
 - long-beaked hawkweed (*H. longiberbe*)
 - narrow-leaved hawkweed (*H. umbellatum*)
 - slender hawkweed (*H. gracile*)
 - western hawkweed (*H. albertinum*)
 - white-flowered hawkweed (*H. albidiflorum*)
 - woolley-weed (*H. scouleri*)
- henbane, black
iris, yellow flag
ivy, English, 4 cultivars only:

mayweed, scentless
poison-hemlock
rye, cereal
spikeweed
St. Johnswort, common
tansy, common
thistle, bull
thistle, Canada
toadflax, yellow
water lily, fragrant
whitetop, hairy
wormwood, absinth

Hyoscyamus niger
Iris pseudocorus
Hedera hibernica 'Hibernica'
Hedera helix 'Baltica'
Hedera helix 'Pittsburgh'
Hedera helix 'Star'
Matricaria perforata
Conium maculatum
Secale cereale
Hemizonia pungens
Hypericum perforatum
Tanacetum vulgare
Cirsium vulgare
Cirsium arvense
Linaria vulgaris
Nymphaea odorata
Cardaria pubescens
Artemisia absinthium

[Statutory Authority: Chapter 17.10 RCW. 01-24-035, § 16-750-015, filed 11/28/01, effective 12/29/01; 00-24-017, § 16-750-015, filed 11/28/00, effective 1/2/01; 99-24-029, § 16-750-015, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-015, filed 11/23/98, effective 1/2/99; 97-06-108, § 16-750-015, filed 3/5/97, effective 4/5/97. Statutory Authority: RCW 17.10.080. 96-06-030, § 16-750-015, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 95-06-002, § 16-750-015, filed 2/16/95, effective 3/19/95; 94-01-076, § 16-750-015, filed 12/10/93, effective 1/10/94; 93-01-004, § 16-750-015, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-015, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-015, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-015, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-015, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-015, filed 3/7/88.]

WAC 16-750-020 Noxious weeds—Civil infractions—Schedule of monetary penalties. Civil infractions under chapter 17.10 RCW shall be assessed a monetary penalty according to the following schedule:

(1) Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control the noxious weeds will be assessed the following monetary penalties. The penalties are assessed per parcel, per noxious weed species,

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per day after expiration of the notice to control filed pursuant to RCW 17.10.170:

(a) Any Class A noxious weed:

1st offense within five years	\$ 750
2nd and any subsequent offense	1,000

(b) Any Class B designate noxious weed in the noxious weed control region in which the land lies:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

(c) Any Class B nondesignate noxious weed in the noxious weed control region in which the land lies; or any Class C noxious weed:

1st offense within five years	\$ 250
2nd offense	500
3rd offense	750
4th and any subsequent offense	1,000

(2) Any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210 will be assessed as follows:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

(3) Any person who interferes with the carrying out of the provisions of chapter 17.10 RCW shall be assessed as follows:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-020, filed 11/23/99, effective 1/3/00; 97-06-108, § 16-750-020, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-020, filed 12/2/92, effective 1/2/93.]

WAC 16-750-025 Plant monitor list—Purpose. The purpose of the monitor list is to gather more information on suspect weeds as well as monitor for occurrence or spread. Information collected may be used to justify future inclusion on the state noxious weed list. There is no regulatory aspect to this list. Reasons for plant inclusion on the monitor list include:

(1) There is reason to believe the species is invasive or poses a potential threat to Washington.

(2) Additional information is needed on distribution, abundance, or biology.

(3) The species was once present in Washington and on the state noxious weed list. It is now being monitored for reoccurrence.

(4) There is need to verify existence (site investigation), verify identification, and/or obtain voucher specimen.

(5) It exists in an adjacent state or province or occurs on an adjacent state or province's noxious weed list and is not known to occur in Washington.

Native species of Washington will not be included on the monitor list. Each weed included on the monitor list will be included by vote of the noxious weed committee. A sponsor is required in order to place a weed on the monitor list. The current monitor list is kept in the state noxious weed board office.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-025, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-025, filed 12/2/92, effective 1/2/93.]

WAC 16-750-100 State noxious weed control board—Description—Purpose. The board was created pursuant to chapter 17.10 RCW, Noxious weeds—Control boards. The board is an advisory board to the department regarding the state noxious weed program and has rule-making and administrative responsibilities under chapter 17.10 RCW.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-100, filed 12/2/92, effective 1/2/93.]

WAC 16-750-105 State noxious weed control board—Powers—Duties—Responsibilities. The powers and duties of the board include:

(1) Adopting rules defining the words "control," "contain," "eradicate," and the term "prevent the spread of noxious weeds";

(2) Conducting elections to the board, and adopting rules as set forth in this chapter establishing a position number for each elected position to the board and designating in which county noxious weed control board members are eligible to vote for each elected position;

(3) Electing officers, conducting meetings, holding hearings, appointing committees, entering upon any property to administer chapter 17.10 RCW, and adopting the necessary rules to carry out its powers and duties identified herein;

(4) When petitioned, holding a hearing in a county to determine the need for activation of the county noxious weed control board and, if such a need is found to exist, ordering the county legislative authority to activate and appoint members to such board;

(5) Each year or more often, adopting a state noxious weed list, classifying the weeds on the list, and entering written findings for the inclusion of each weed on the list;

(6) Sending a copy of the state noxious weed list to each activated county noxious weed control board, regional noxious weed control board, weed district, and each county legislative authority of each county with an inactivated noxious weed control board;

(7) When petitioned and following a hearing, ordering any county noxious weed board to include a noxious weed from the state list on the county board or district's weed list;

(8) Adopting a schedule of monetary penalties for each violation of chapter 17.10 RCW classified as a civil infraction and submitting the schedule to the appropriate courts;

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(9) Employing an executive secretary whose qualifications, duties, and responsibilities are set forth in this chapter and RCW 17.10.070;

(10) Preparing and distributing a biennial written report showing the expenditure of state funds on noxious weed control; specifying how the funds were spent; the status of state, county, and district programs; recommending the continued best use of state funds; and recommending the long-term needs regarding weed control;

(11) Advising the director as provided for in chapter 17.10 RCW.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-105, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-105, filed 12/2/92, effective 1/2/93.]

WAC 16-750-110 State noxious weed control board—Mission. The mission of the board is to serve as responsible stewards of Washington by protecting and preserving the land and resources from the degrading impact of noxious weeds.

The board believes that prevention is the best approach and may be achieved through full implementation of the intent of the state noxious weed law. To further that, the board strives for enhanced public awareness through improved educational efforts.

The board does not deal directly in control activities but rather works to achieve this end through others. For that reason, the board seeks to improve communication, gain cooperation, and improve coordination of the efforts for noxious weed control.

The board believes noxious weed control is best carried out by strong, adequately funded programs at the local level. To achieve this, the board strives to build public support for local programs and to empower those programs to be more successful.

[Statutory Authority: Chapter 17.10 RCW. 98-24-026, § 16-750-110, filed 11/23/98, effective 1/2/99; 93-01-004, § 16-750-110, filed 12/2/92, effective 1/2/93.]

WAC 16-750-115 State noxious weed control board—Membership. The board is comprised of nine voting members and three nonvoting members selected as follows:

(1) Four of the members are elected by the members of activated county noxious weed control boards eligible to vote for the elected position established by the state noxious weed board. Two members are elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state.

(2) The director is a voting member.

(3) One member is elected by the directors of activated weed districts formed under chapter 17.04 or 17.06 RCW.

(4) The Washington state association of counties appoints one voting member who must be a member of a county legislative authority.

(5) The director appoints two voting members to represent the public interest, one from the west side and one from the east side of the state.

(6) The director appoints three nonvoting members representing scientific disciplines relating to weed control.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-115, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-115, filed 12/2/92, effective 1/2/93.]

WAC 16-750-120 State noxious weed control board—Nominations—Elections—Terms of office—Vacancies. (1) Nominations and elections to board positions are conducted by regular mail.

(2) The board calls for nominations to elected positions at least sixty days prior to expiration of position terms.

(3) The board sends ballots to eligible activated county noxious weed control boards or weed district directors by regular mail at least forty-five days prior to expiration of each position term.

(4) Ballots must be returned no later than thirty days before expiration of each term. Only official ballots will be accepted. Photocopied ballots will be considered invalid.

(5) The board chairperson appoints a committee to count ballots and certify elections at least thirty days prior to expiration of each term.

(6) Results of elections are announced prior to the next scheduled board meeting.

(7) For the purpose of conducting nominations or elections, the board uses the current list of county noxious weed control board voting members and weed district directors.

(8) Any person who is a resident in and member of an activated county noxious weed control board in the counties represented by positions 1, 2, 3, and 4 may enter his or her name, or that of any qualified person in nomination for election to the board position by voting members of the above activated county noxious weed control boards.

(9) Any director of an active weed district formed under chapter 17.04 or 17.06 RCW may enter a name in nomination for election to position 5 on the board.

(10) Each candidate or each person nominating such candidate must complete a certificate of nomination, and must return it to the board postmarked by the date specified.

(11) The board creates a ballot listing the names in alphabetical order beginning with the last name first, of the candidates nominated to the position of the board: Provided, That the board shall remove the name of any person nominated who notifies the board in writing that he or she is unwilling to serve on the board.

(12) The ballot, along with the statement, if any, of each candidate in the election will be mailed by regular mail to each voting member of an activated county noxious weed control board or director of an active weed district. Only county board members or weed district directors within the established position area are eligible to vote for the board member to represent that area.

(13) Each voting member of an activated county noxious weed control board or director of an activated weed district may cast one vote for the candidates appearing on the appropriate ballot and return it to the board as provided above and as per the dates specified.

(14) The candidate receiving the highest number of votes is elected: Provided, That if the candidate fails to receive more than fifty percent of the votes cast in an election, a second election will be held between such candidate and the candidate receiving the next highest votes and: Provided further,

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That if there is only one candidate, that candidate will be deemed elected unanimously.

(15) The term of office for all members of the board is three years from the date of election or appointment.

(16) Vacancies among board members appointed by the director will be filled by the director. Vacancies among elected members will be filled by special election by those entities eligible to elect that position for the expired term. Special elections follow the same procedure as regular elections. Board members appointed to fill vacancies will serve out the existing term.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-120, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-120, filed 12/2/92, effective 1/2/93.]

WAC 16-750-125 State noxious weed control board position numbers—Eligibility for voting. Position numbers for elected members of the board and those eligible to vote for each position are as follows:

POSITION		VOTING ELIGIBILITY
(1) Westside, southern tier	(a)	Voting members of activated county noxious weed control boards in Grays Harbor, Mason, Thurston, Pierce, Lewis, Pacific, Wahkiakum, Cowlitz, Skamania, and Clark counties.
(2) Eastside, southern tier	(a)	Voting members of activated county noxious weed control boards in Adams, Whitman, Asotin, Garfield, Columbia, Walla Walla, Franklin, Benton, Klickitat, and Yakima counties.
(3) Westside, northern tier	(a)	Voting members of activated county noxious weed control boards in Whatcom, Skagit, San Juan, Island, Snohomish, King, Kitsap, Clallam, and Jefferson counties.

POSITION		VOTING ELIGIBILITY
(4) Eastside, northern tier	(a)	Voting members of activated county noxious weed control boards in Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Grant, Kittitas, Chelan, and Douglas counties.
(5) Weed districts	(a)	Directors of activated weed districts in Washington.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-125, filed 12/2/92, effective 1/2/93.]

WAC 16-750-130 State noxious weed control board—Organization. The organization of the board is as follows:

(1) The officers of the board are the chairperson, vice-chairperson, and secretary. The title of the chief administrative officer is the executive secretary.

(2) Duties of officers.

(a) The chairperson presides at all meetings of the board, has the power to appoint committees, acts as ex officio member of all committees except the executive committee, serves as chairperson of the executive committee, serves as official signer of agreements between the board and public or private agencies, and performs such other duties as pertain to the office.

(b) The vice-chairperson performs the duties of the chairperson in his or her absence, acts as an ex officio member of all committees, and any other duties delegated by the chairperson. The vice-chairperson will assume the duties of and serve out the term of the chairperson upon permanent departure of the chairperson.

(c) The secretary is the official keeper of the minutes and, approves them, and presents them to the board for adoption. In the absence of the chairperson and vice-chairperson, the secretary performs the duties of the chairperson.

(d) The duties of the executive secretary, in addition to administrative duties assigned elsewhere in this chapter, are to keep a record of the proceedings of the board, notify all board members, county noxious weed control boards, and weed districts of meetings, act as an ex officio nonvoting member of all committees, negotiate agreements with public and private agencies on behalf of the board, and perform other responsibilities as delegated by the chairperson.

(3) Term of office. Term of office for officers of the board is twelve months effective July 27 of the year elected and ending July 26 of the following year.

(4) Election of officers. Elections will be held at the first meeting of the fiscal year in July. Officers are elected by a majority vote of the voting members present.

(5) Vacancies of officers other than chairperson, shall be filled by election of the voting board members present.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-130, filed 11/23/99, effective 1/3/00; 97-06-108, § 16-750-130, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-130, filed 12/2/92, effective 1/2/93.]

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WAC 16-750-135 State noxious weed control board—Meetings. (1) All meetings of the board are open and public and all persons are permitted to attend any meeting of the board, except as otherwise provided in the Open Public Meetings Act, chapter 42.30 RCW.

(2) Members of the public are not required, as a condition to attendance at a board meeting, to register names, other information, or otherwise to fulfill any condition prior to attending.

(3) Interruptions. In the event that any meeting is interrupted by any person as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the chairperson may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by a majority vote of the board members present. In such a session, the board will follow the procedures set forth in the Open Public Meetings Act (RCW 42.30.050).

(4) Adoption of rules, regulations, resolution, etc. The board shall not adopt any rules, regulations, resolution, etc. except in a meeting open to the public and then only at a meeting, the date of which is fixed by rule, or at a meeting of which notice has been given according to the provisions of the Open Public Meetings Act. Any action taken at meetings failing to comply with this section is null and void.

(5) Regular meetings—Schedule—Publication in State Register—Notice of change. The board will meet once every two months and at other times determined by the chairperson or by a majority of the voting members. If any regular meeting falls on a holiday, the meeting will be held on the next business day. The executive secretary files with the code reviser a schedule of the time and place of regular meetings on or before January of each year for publication in the Washington State Register. Notice of any change from this meeting schedule will be published in the State Register for distribution at least twenty days prior to the rescheduled meeting date.

(6) Notice. Ten days notice of all meetings will be given by mailing a copy of the notice and agenda to each board member, county noxious weed control board, and weed district.

(7) Special meetings. The ten-day notice may be waived for special meetings which may be called at any time by the chairperson, director, or a majority of the voting board members. Special meeting notification shall follow the procedures for special meetings set forth in the Open Public Meetings Act (RCW 42.30.080).

(8) Adjournments. If a meeting is adjourned before the advertised time, a written notice will be posted at the meeting place that specifies when the meeting was adjourned.

(9) Executive sessions.

(a) The board may hold an executive session during a regular meeting which may be called by the chairperson or a majority of voting board members present. No official actions will be taken at executive sessions. Executive sessions may deal only with matters authorized by RCW 42.30.110.

(b) Before convening in executive session, the chairperson shall publicly announce the purpose of excluding the public from the meeting place and the time when the execu-

tive session will be concluded. The executive session may be extended to a later time by announcement of the chairperson.

(10) Agenda. The agenda will be prepared by the executive secretary in consultation with the chairperson. Items may be submitted by all board members to the executive secretary at least fifteen days prior to the board meeting.

(11) Attendance. Each board member is expected to attend all board and assigned committee meetings. In the event a board member is unable to attend, he or she is requested to provide the chairperson or executive secretary with the reasons for the absence prior to the meeting. Any voting member who misses two consecutive board meetings without providing the chairperson or the executive secretary with the reasons for the absences prior to the meeting may be removed from the board, following due notice and a hearing. Removal procedures may be initiated by a quorum vote of the board.

(12) Voting procedures. Board voting procedures on all matters are as follows:

(a) Five voting members constitute a quorum to conduct the affairs of the board.

(b) The chairperson may vote on all matters coming before the board.

(c) A roll call of all voting board members present may be requested on all motions by any member.

(d) All members have the right to move or second motions.

(e) Proxy voting is not permitted.

(13) Minutes. The minutes of all regular and special meetings, except executive sessions, will be promptly recorded and such records are open to public inspection.

(14) Press releases. All press releases and official information concerning board activities will be released from the board office.

(15) Public participation.

(a) Any person wishing to make a formal presentation at a regularly scheduled meeting of the board must notify the executive secretary of the subject matter at least fifteen days before the meeting.

(b) Permission to appear before the board will be granted by the executive secretary in consultation with the chairperson before the meeting. Permission includes the date and time of the meeting and the time set for formal presentation.

(c) The chairperson may, at his or her discretion, recognize anyone in the audience who indicates at the time of the meeting a desire to speak.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-135, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-135, filed 12/2/92, effective 1/2/93.]

WAC 16-750-140 State noxious weed control board—Committees. Standing committees shall fairly reflect the composition of the board and unless advertised and open to the public, not more than four voting members may attend a committee meeting.

(1) Executive committee. An executive committee is authorized to deal with housekeeping and personnel matters, subject to board approval at the next scheduled board meeting. The chairperson appoints the executive committee with approval of the board.

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(2) Standing committees. The standing committees of the board are: Budget, executive, noxious weed, and education. The board chairperson appoints the chairperson and other members of each committee.

(3) Ad-hoc committees may be appointed from time to time.

(4) Committee voting procedures.

(a) All members of a particular committee have the right to vote. Other members in attendance may enter into discussion, but shall have no vote.

(b) Proxy voting is not permitted.

(c) All questions decided by the committee will be by majority of the committee members present.

(5) Advisory committees. Advisory committees are established by the board as deemed necessary to the functioning of the board. Advisory committees are limited in their scope to the purposes determined by the board.

(6) Notice. Notice of committee meetings shall be given to the executive secretary.

(7) Committee reports.

(a) Committee reports and recommendations are submitted to the board in writing except when committees meet in conjunction with the board.

(b) Minority reports may be submitted by members of a committee, if signed by those members.

(8) Committee compensation. Board members attending meetings of committees will, upon request, be reimbursed on the same basis as for attendance at regularly called board meetings.

(9) All committee appointments will be reviewed in July of even-numbered years.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-140, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-140, filed 12/2/92, effective 1/2/93.]

WAC 16-750-145 State noxious weed control board—Executive secretary—Definition. The executive secretary acts as the chief administrative officer for the board and:

(1) Implements and administers the statutes, administrative rules, and policies of the noxious weed control program assigned to the board;

(2) Plans, develops, and prepares administrative rules and policies for the state noxious weed control program in conjunction with the board and the department; arranges public hearings in compliance with the Administrative Procedure Act and acts as chief hearing officer for the board; conducts elections for positions on the board;

(3) Coordinates the educational and weed control efforts of county and regional noxious weed control boards and weed districts;

(4) Coordinates board activities with the department, maintains a liaison and performs coordinating activities with other public and private agencies;

(5) Negotiates agreements, on behalf of the board, with federal agencies, tribes, and other public and private agencies;

(6) Represents the board before the state legislature; coordinates the development, edits, and oversees the production of the biennial report to the county noxious weed boards

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and weed districts on how state funds were spent and recommendations for the continued best use of state funds for noxious weed control;

(7) Plans, prepares, and presents programs on noxious weed control, specific weed species, and the role of the board; acts as the principal spokesperson of the board to the media, technical audiences, and the public;

(8) Maintains a collection of scientific and technical information relating to noxious weeds and integrated vegetation management; prepares written findings for the inclusion of species on the state noxious weed list;

(9) Develops, maintains, and ensures dissemination of information relating to noxious weeds to county noxious weed control boards and weed districts and keeps the general public and program participants informed of board activities and accomplishments;

(10) Provides technical advice to county noxious weed boards and weed districts on the state noxious weed law and related rules;

(11) Plans and coordinates statewide approaches to selected noxious weeds, assists in the development of statewide noxious weed survey standards, coordinates efforts with department weed specialists;

(12) Coordinates the activities of the board by scheduling all regular and committee meetings; in consultation with the chair, prepares meeting agendas; prepares all board correspondence; updates board on local, state, and federal noxious weed activities; acts as an ex officio, nonvoting member of all committees;

(13) Records the official minutes of the board and ensures their distribution; maintains all board records, acts as public record officer;

(14) Oversees fiscal management of the board's administrative budget and cooperates with the department in budget development;

(15) Supervises all board employees, approves hiring, rehiring, promotion, and termination of all board employees and ensures these processes and any disciplinary actions comply with state and department personnel policies; notifies board and department prior to initiating an adverse personnel action against any employee;

(16) Performs other assignments as determined by the board.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-145, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-145, filed 12/2/92, effective 1/2/93.]

WAC 16-750-150 State noxious weed control board—Executive secretary—Hiring and dismissal. The board has the responsibility for hiring and removing from office the executive secretary. The executive secretary may be dismissed by a majority vote of the full board upon the recommendation of the chairperson and the executive committee. Prior to initiating a dismissal the executive committee will notify the department. Neglect of duty, gross inefficiency, gross incompetence, gross misconduct, malfeasance or willful violation of obligations may give cause for a recommendation for dismissal or dismissal. Before any action is taken by the board to dismiss the executive secretary, the chairperson and one member of the executive committee will

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confer with the executive secretary and provide in writing and fully explain the charges and contemplated recommendation for dismissal. The privilege of a hearing before the executive committee or full board will be granted to the executive secretary prior to any formal action taken by the board. The executive secretary is granted thirty days preparation time for the hearing and is entitled to present evidence, to be assisted by favorable witnesses, and to confront unfavorable witnesses at the hearing.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-150, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-150, filed 12/2/92, effective 1/2/93.]

WAC 16-750-155 State noxious weed control board—Exchange time. The board shall provide exchange time in lieu of overtime pay to its employees for hours worked in excess of forty hours per week. The time shall accrue on an hour-for-hour basis. Exchange time has no cash value.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-155, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-155, filed 12/2/92, effective 1/2/93.]

WAC 16-750-160 State noxious weed control board—Antidiscrimination clause. No person shall be denied participation in any phase of the board's program activities because of race, color, religion, sex, marital status, national origin, age, physical, sensory, or mental handicap, or sexual orientation. This nondiscrimination shall extend to employment by the board including retirement, selection, hiring, promotion, benefits, and dismissal.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-160, filed 12/2/92, effective 1/2/93.]

WAC 16-750-165 State noxious weed control board—Budget and finances. (1) All board funds must be expended in a manner consistent with board wishes. The executive secretary is authorized to make these expenditures as appropriate. All matters related to payment of compensation and other expenses of the board are subject to the State Budget and Accounting Act (chapter 43.88 RCW).

(2) Budget approval. The executive secretary prepares the biennial budget after consulting the budget committee. The budget will provide for costs associated with salary, personal benefits, travel, equipment, and goods and services for the operation of the board. The budget is reviewed by the board for recommendation to and approval by the department and office of financial management.

(3) The board reserves the right to pursue additional funds for its administrative budget independent of the department.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-165, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-165, filed 12/2/92, effective 1/2/93.]

WAC 16-750-170 State noxious weed control board—Legal counsel. On an as needed basis, a member of the attorney general's staff will serve as legal counsel for the board.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-170, filed 12/2/92, effective 1/2/93.]

WAC 16-750-180 State noxious weed control board—Rules of order. *Robert's Rules of Order* newly revised shall serve as parliamentary authority for procedures not covered in these rules.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-180, filed 12/2/92, effective 1/2/93.]

WAC 16-750-185 State noxious weed control board—Access to public records and documents. (1) In accordance with the Public Records Disclosure Act of Washington, the board shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of RCW 42.17.260(6), 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records.

(2) The provisions of chapter 42.17 RCW shall be liberally construed to promote full access to public records so as to assure continuing public confidence and to assure the public interest will be fully protected.

(3) Place and times for inspection and copying. The executive secretary will make public records available for inspection upon request.

(4) Charges for copying. No fee shall be charged for the inspection of public records. The executive secretary may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the board for its actual costs incident to such copying.

(5) Responses to requests. Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request the board will respond as follows:

(a) With the record requested;

(b) Acknowledgment of the request and a reasonable estimate of the time it will take to provide the requested records or documents;

(c) Denying the public record request.

Denials of requests will be accompanied by a written statement of the specific reasons the request is being denied and shall have received a prompt review and final determination by the board's executive committee. Additional time may be required to respond to a request due to time needed to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. In acknowledging receipt of a public record request that is unclear, the executive secretary may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the board will not respond to it.

[Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-185, filed 11/23/99, effective 1/3/00; 93-01-004, § 16-750-185, filed 12/2/92, effective 1/2/93.]

(11/28/01)

Chapter 16-752 WAC

NOXIOUS WEED CONTROL

WAC

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16-752-115	Noxious weeds grant program—Purpose. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-115, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-115, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.	16-752-170
16-752-120	Noxious weeds grant program—Forms. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-120, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.	
16-752-125	Noxious weeds grant program—Who may apply. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-125, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-125, filed	16-752-200

1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Noxious weeds grant program—Application procedure. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-130, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-130, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Noxious weeds grant program—Content of grant application. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-135, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-135, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Noxious weeds grant program—Application evaluation—Ranking and notice of acceptance or rejection of application. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-140, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-140, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Noxious weeds grant program—Evaluation criteria. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-145, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-145, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Minimum standards for all grant project performance. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-146, filed 9/20/90, effective 10/21/90.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Minimum standards for A and B designate control work—Grant funding. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-147, filed 9/20/90, effective 10/21/90.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Noxious weeds grant program—Legal requirements. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-150, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Noxious weeds grant program—Project monitoring, evaluation and reporting. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-155, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-155, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Noxious weeds grant program—Billing of expenses. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-160, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Noxious weeds grant program—Records retention, final report, unused allocated moneys. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-165, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-165, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Noxious weeds grant program—Emergency and interim funding. [Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-170, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-170, filed 1/29/88.] Repealed by 99-11-087, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 17.10.250.

Emergency noxious weeds grant program—Purpose. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-200, filed 1/29/88.] Repealed by

- 16-752-201 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW. Emergency noxious weeds grant program—Allotment. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-201, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-202 Emergency noxious weeds grant program—Application. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-202, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-203 Emergency noxious weeds grant program—Requirements. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-203, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-204 Emergency noxious weeds grant program—Payment. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-204, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-325 Duration. [Statutory Authority: Chapter 17.10 RCW. 89-24-090, § 16-752-325, filed 12/6/89, effective 1/6/90.] Repealed by 91-03-045 (Order 2069), filed 1/11/91, effective 2/11/91. Statutory Authority: Chapter 17.10 RCW.

WAC 16-752-001 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

- (1) "Director" means the director of agriculture of this state, or a duly authorized representative.
- (2) "Department" means the Washington state department of agriculture.
- (3) "Person" means any individual, partnership, corporation, association, agency, or organized group of persons whether or not incorporated.
- (4) "Hay" means the harvested herbage of forage plants, including but not limited to grasses, legumes, sedges and rushes.
- (5) "State board" means the Washington state noxious weed control board.
- (6) "Applicant" means a project sponsor.
- (7) "BARS" means the budgeting, accounting, and reporting system of municipal fiscal management.
- (8) "Environmental checklist" means the form in WAC 197-11-960.
- (9) "Executive secretary" means the state noxious weed control board executive secretary.
- (10) "Integrated pest management" means a decision-making process which combines all feasible control techniques into a program for managing targeted noxious weeds including but not limited to prevention, monitoring, consideration of alternative methods, and evaluation.
- (11) "Local noxious weed control agency" means any activated county or regional noxious weed control board created under chapter 17.10 RCW, any weed district created under chapter 17.04 RCW, or any intercounty weed district created under chapter 17.06 RCW.
- (12) "Monitoring" means inspecting to gather and record site specific information on which decisions about treatment choices are to be based.
- (13) "Objectives" means statements of precise outcomes which can be measured to determine actual accomplishments.

(14) "Principal investigator" means the person under whose direction the noxious weed control project will be carried out such as the county weed control coordinator or county weed control board chairperson.

(15) "Project sponsor" means the county legislative authority of a county with an activated noxious weed control board, a local weed control agency, or a combination of two or more agencies acting through a lead agency, responsible for implementing an approved project.

(16) "Public benefits" means those services, goods, or other benefits, whether tangible or intangible, which accrue to persons other than those on whose property weed control measures pursuant to this chapter are undertaken.

(17) "Public costs" means those costs, whether tangible or intangible, which accrue to persons other than those on whose property weed control measures pursuant to this chapter are undertaken.

(18) "Significant environmental harm" means a reasonable likelihood of more than a moderate adverse impact on environmental quality as set forth in WAC 197-11-794.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-001, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-001, filed 1/29/88. Statutory Authority: RCW 17.10.235(2), 86-19-060 (Order 1907), § 16-752-001, filed 9/16/86.]

WAC 16-752-005 Noxious weed—Tansy ragwort in hay. The director finds that tansy ragwort, a noxious weed which is poisonous to livestock, is known to infest hay fields in Washington state. Under the authority of RCW 17.10.235, the following applies to the selling of hay in the state of Washington containing tansy ragwort (*Senecio jacobaea*) plants and parts thereof:

No person shall knowingly sell hay containing:

- (1) Any viable tansy ragwort seed; or
- (2) Greater than one-half of one percent of tansy ragwort by weight: Provided, That this section shall not be construed as establishing a safe level of tansy ragwort in hay for livestock consumption.

[Statutory Authority: RCW 17.10.235(2), 86-19-060 (Order 1907), § 16-752-005, filed 9/16/86.]

WAC 16-752-010 Tansy ragwort in hay—Penalties. All violations of WAC 16-752-005 are punishable under RCW 17.10.230.

[Statutory Authority: RCW 17.10.235(2), 86-19-060 (Order 1907), § 16-752-010, filed 9/16/86.]

WAC 16-752-300 Establishing quarantine. Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Cowlitz and Thurston counties (WAC 16-750-011(33)(a)). Yellow nutsedge infests a dredging spoil site at the Port of Kalama in Kalama, Washington and a plant nursery site at the Port of Olympia in Tumwater, Washington. Movement of material from these sites initiates additional

infestations. RCW 17.10.210 provides that either the director or the county noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

- (1) That the identified sites are so seriously infested as to require quarantine; and
- (2) That the movement of contaminated materials from these sites presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas; and
- (3) That the restriction of such spread is critical to control efforts.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-300, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-300, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-300, filed 12/6/89, effective 1/6/90.]

WAC 16-752-305 Quarantine area. The quarantine area shall encompass the dredge spoil site at and owned by the Port of Kalama, located along Hendrickson Drive, Kalama, Washington, and the Port of Olympia, located at the Olympia Airport, Tumwater, Washington, and more particularly described in subsections (1) and (2) of this section.

Real estate situation in the counties of Cowlitz and Thurston, state of Washington:

- (1) Cowlitz County parcel - containing twenty-three acres, more or less.

A tract of land in the Jacob Ahles D.L.C. No. 44 in Section 20, Township 6 north, Range 1 west of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the north line of a tract of land leased to the North Pacific Grain Growers, Inc., said point being north 2374.49 feet, and north 88 degrees 46'22" west parallel with the south line of said Ahles D.L.C., 263.94 feet from the southeast corner of said Section 20; thence north 1 degree 12'00" west 612.50 feet; thence north 20 degrees 23'00" west 186.52 feet to a point 30.00 feet westerly when measured at right angles from the westerly line of the Northern Pacific Railway right of way; thence parallel with and 30.00 feet from said right of way north 37 degrees 24'37" west 1325.90 feet; thence south 61 degrees 05'28" west 344.47 feet to the inner harbor line as shown on the Plat of Kalama Tidelands; thence south 27 degrees 54'56" east along said inner harbor line 1045.78 feet to the one mile limit as shown on said plat; thence south 62 degrees 05'04" west 100 feet to the low water line of the Columbia River; thence south 22 degrees 48'46" east along said low water line 751.17 feet to said north line of the North Pacific Grain Growers, Inc. lease; thence south 88 degrees 46'22" east parallel with said south line of the Ahles D.L.C. 492.48 feet to the true point of beginning.

- (2) County of Thurston, state of Washington:

Parcel number 12711230000 - a portion of this parcel containing twenty-two acres of nursery production, more or less and three access roads one of which begins at 85th Avenue SW, the other two begin at Old Highway 99 SW.

A tract of land in Section 11, Township 17 north, Range 2 west of the Willamette Meridian, more particularly described as follows:

A portion of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 11, Township 17 North, Range 2 West, W.N., Thurston County, Washington.

Beginning at the South Quarter corner of Section 11; thence north 01°53'09"E, along the center of the section line 77.6 feet to the southerly edge of the infestation, said point being 75 feet northerly of the center of taxiway 5 and the point of beginning; thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 1254.2 feet to coordinate pair N 604966 E 1043268 North American Datum 83/91, Washington State Lambert projection South Zone; thence north 01°32'43"E parallel to and 75 feet westerly of taxiway 5, 256.1 feet (N 605222 E 1043275); thence north 74°44'42" W, parallel to and 200 feet southerly of runway 8-26, 2031.7 feet (N 605757 E 1041315); thence south 12°53'58"W, parallel to and 75 feet easterly of taxiway 4, 744.6 feet (N 605031 E 1041148); thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 866.5 feet to the point of beginning. TOGETHER WITH: Two (2) 50 foot easements for ingress and egress described as follows: Beginning at the centerline of Old Highway 99 at coordinate pair N 605688 E 1044159; thence south 62°13'04"W, 337 feet (N 605531 E 1043861); thence south 37°34'07"W, 66 feet (N 605479 E 1043821); thence south 15°34'51"W, 432 feet (N 605063 E 1043705); thence south 56°50'31"W, 90 feet (N 605014 E 1043630); thence north 73°42'21"W, 135 feet (N 605052 E 1043500); thence south 73°31'23"W, 47 feet (N 605031 E 1043429).

Beginning at the coordinate pair N 605479 E 1043821; thence north 10°18'17"W, 78 feet (N 605556 E 103807); thence north 52°23'38"W, 93 feet (N 605613 E 1043733); thence north 74°34'40"W, 331 feet (N 605701 E 1043414); thence north 24°31'11"W, 63 feet (N 605758 E 1043388); thence north 0°58'36"W, 352 feet (N 606110 E 1043382).

Beginning at the end of 85th Avenue SE; thence north 14°36'57"W, 44 feet; thence north 1°44'13"E, 103 feet; thence north 1°44'13"E, 122 feet; thence north 4°2'36"E, 103 feet; thence north 1°44'13"E, 140 feet; thence north 3°31'10"E, 134 feet; thence north 1°44'13"E, 146 feet; thence north 6°43'41"W, 141 feet; thence north 6°3'35"W, 92 feet; thence north 1°44'13"E, 128 feet; thence north 15°58'50"W, 96 feet; thence south 85°33'49"W, 113 feet; thence north 88°15'39"W, 100 feet; thence north 85°38'49"W, 133 feet; thence north 88°15'36"W, 137 feet; thence north 85°28'20"W, 125 feet; thence south 89°35'45"W, 162 feet; thence north 88°15'32"W, 129 feet; thence north 88°15'30"W, 200 feet; thence north 88°15'28"W, 150 feet; thence north 85°43'23"W, 137 feet; thence north 88°38'45"E, 113 feet; thence north 83°56'12"W, 242 feet; thence north 40°38'52"W, 25 feet; thence north 40°6'3"W, 25 feet.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-305, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-305, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-305, filed 12/6/89, effective 1/6/90.]

WAC 16-752-310 Articles whose movement is restricted. The movement of all plants and parts of plants of

yellow nutsedge and soil contaminated with propagules of the plant, including soil in nursery pots, is covered by this quarantine. The movement of all balled and burlap nursery stock is covered by this quarantine.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-310, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-310, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-310, filed 12/6/89, effective 1/6/90.]

WAC 16-752-315 Regulations. Use of the property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil, potted nursery plants and other plants from the quarantine site, except as provided in subsection (6) of this section, is prohibited without a permit from the Cowlitz or Thurston County noxious weed control board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities require a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off-road vehicles are banned in the quarantine area without the written permission of the Cowlitz or Thurston County noxious weed control board, except in designated parking areas.

(4) All weed control measures and irrigation practices in the quarantine area are to be conducted at the direction of the Cowlitz or Thurston County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The Cowlitz or Thurston County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: Provided, That adequate precautions are taken to prevent commingling of infested and noninfested soils and equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-315, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-315, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-315, filed 12/6/89, effective 1/6/90.]

WAC 16-752-320 Costs of quarantine. The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Cowlitz or Thurston County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-320, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-320, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-320, filed 12/6/89, effective 1/6/90.]

WAC 16-752-330 Violation and penalty. Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.310 and 17.10.350 and WAC 16-750-020 which pro-

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vides monetary penalties of up to one thousand dollars per infraction.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-330, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-330, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-330, filed 12/6/89, effective 1/6/90.]

LYTHRUM QUARANTINE

WAC 16-752-400 Establishing quarantine. The Lythrum species (Purple loosestrife) is an aggressive, semi-aquatic, herbaceous perennial weed that has infested wetlands in the state of Washington causing serious harm to native plants and destroying habitat for birds and small mammals. Some varieties of loosestrife are cultivated and sold as nursery stock in the horticultural industry. The director of agriculture, pursuant to the powers provided in chapter 17.24 RCW and RCW 17.10.074 (1)(c), and chapter 15.13 RCW, has determined that the regulation and exclusion of this plant, plant parts, and seeds is necessary to preserve Washington wetlands from further infestation.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-400, filed 7/18/90, effective 8/18/90.]

WAC 16-752-405 Lythrum quarantine—Regulated articles. The following are regulated articles:

(1) All plants and plant parts of the Lythrum species, *Lythrum salicaria* and *Lythrum virgatum*, and any hybrid cross thereof. This includes, but is not limited to, purple loosestrife and plants with horticultural names: The beacon, fire candle, brightness, lady sackville, Mr. Robert, Robert's, happy, roseum superbum, purple spire, rose queen, the rocket, morden pink, morden gleam, morden rose, dropmore purple, and tomentosum.

(2) All seeds of plants of the Lythrum species *Lythrum salicaria* and *Lythrum virgatum*.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-405, filed 7/18/90, effective 8/18/90.]

WAC 16-752-410 Lythrum quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or seeds of the species *Lythrum salicaria* or *Lythrum virgatum* into or within the state of Washington. It is further prohibited to transplant wild plants and/or plant parts of these species in the state of Washington.

This prohibition shall not apply to plants or seeds collected for herbariums, research in control methods, creation of pressed specimens for educational or identification purposes and other scientific activities: Provided, That all activities requiring live plants and/or viable seed, except pressed specimens, are conducted under a permit from the director and are conducted so as to ensure that no infestation is created.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-410, filed 7/18/90, effective 8/18/90.]

WAC 16-752-415 Disposition of regulated articles. Any plants, plant parts or seeds transported, bought, sold, offered for sale, or planted in violation of this order shall be

subject to destruction or shipment back out-of-state if the director determines that such shipment does not present a danger of infestation.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-415, filed 7/18/90, effective 8/18/90.]

WAC 16-752-420 Penalties. Any person who violates the terms of this quarantine shall be guilty of a misdemeanor and for each subsequent violation, shall be guilty of a gross misdemeanor. The director may also impose a civil penalty in an amount not more than one thousand dollars for each violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this chapter and may be subject to the civil penalty.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-420, filed 7/18/90, effective 8/18/90.]

WETLAND AND AQUATIC WEED QUARANTINE

WAC 16-752-500 Establishing wetland and aquatic weed quarantine. Washington waters and wetlands are threatened by nonnative, aggressive weeds that destroy the commercial, aesthetic, fish and/or wildlife habitat, and recreational value of these areas. African elodea, Brazilian elodea (or egeria), Eurasian watermilfoil, fanwort, slender-leaved naiad, hydrilla and water chestnut (a different species from the food "water chestnut" commonly sold in grocery stores) are submersed, rooted species that can invade shallow to deep water. Parrotfeather, water primrose, and yellow floating heart are rooted plants that invade shallow water and aquatic margins. European frogbit and swollen bladderwort are freely floating species. These species, when established, form dense mats that will clog irrigation systems and waterways, displace native species, alter fish and wildlife habitat, and seriously impact recreational use of the waterways.

Garden loosestrife, hairy willow herb, grass-leaved arrowhead, mud mat, marsh dew flower and flowering rush are rooted plants which invade wetlands, shallow water and aquatic margins. When established, their dense stands displace native vegetation and harm wildlife habitat.

Salt meadow cordgrass, common cordgrass, and smooth cordgrass are noxious weeds that have invaded salt water estuarine areas on the Washington coast displacing native species, threatening bird and mammal habitats and the shellfish industry. Dense-flowered cordgrass, a closely related species, has potential to duplicate this invasion.

The director of agriculture, pursuant to the powers provided in chapters 17.10, 15.13 and 17.24 RCW, finds that the regulation and exclusion of these plants and plant parts are necessary to preserve Washington waters and wetlands, both fresh water and estuarine, from new or additional infestation. These requirements and restrictions, contained in WAC 16-752-500 through 16-752-525, are in addition to the requirements contained in WAC 232-12-271, "Criteria for planting aquatic plants and releasing wildlife," administered by the Washington state department of fish and wildlife.

[Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-500, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW (5/29/02)

17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-500, filed 3/10/92, effective 4/10/92.]

WAC 16-752-505 Wetland and aquatic weed quarantine—Regulated articles. All plants and plant parts of the following are regulated articles under this chapter:

Scientific Name	Common Name
<i>Butomus umbellatus</i>	flowering rush
<i>Cabomba caroliniana</i>	fanwort
<i>Egeria densa</i>	Brazilian elodea
<i>Epilobium hirsutum</i>	hairy willow herb
<i>Glossostigma diandrum</i>	mud mat
<i>Hydrilla verticillata</i>	hydrilla
<i>Hydrocharis morsus-ranae</i>	European frog-bit
<i>Lagarosiphon major</i>	African elodea
<i>Ludwigia hexapetala</i>	water primrose
<i>Lysimachia vulgaris</i>	garden loosestrife
<i>Murdannia keisak</i>	marsh dew flower, Asian spiderwort
<i>Myriophyllum aquaticum</i>	parrotfeather
<i>Myriophyllum spicatum</i>	Eurasian watermilfoil
<i>Najas minor</i>	slender-leaved naiad, brittle naiad
<i>Nymphoides peltata</i>	yellow floating heart
<i>Sagittaria graminea</i>	grass-leaved arrowhead
<i>Spartina alterniflora</i>	smooth cordgrass
<i>Spartina anglica</i>	common cordgrass
<i>Spartina densiflora</i>	dense-flowered cordgrass
<i>Spartina patens</i>	salt meadow cordgrass
<i>Trapa natans</i>	water chestnut, bull nut
<i>Utricularia inflata</i>	swollen bladderwort

[Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-505, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-505, filed 3/10/92, effective 4/10/92.]

WAC 16-752-507 Wetland and Aquatic weed quarantine—Quarantine area. The area under the wetland and aquatic weed quarantine includes all counties within the state of Washington and all states, territories, and districts of the United States.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-507, filed 3/10/92, effective 4/10/92.]

WAC 16-752-510 Wetland and aquatic weed quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or plant parts of the regulated plants, listed in WAC 16-752-505, into or within the state of Washington. It is further prohibited to intentionally transplant wild plants and/or plant parts of these species within the state of Washington.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-510, filed 3/10/92, effective 4/10/92.]

WAC 16-752-515 Wetland and aquatic weed quarantine—Exemptions. The prohibition on transporting plants or plant parts in WAC 16-752-510 shall not apply to plants or plant parts collected for herbariums, research in control methods, creation of pressed specimens for educational or identi-

fication purposes and other scientific activities, except that all activities requiring live plants, except pressed specimens, are conducted under permit from the director and are conducted in such a way that no infestation is created. No permit is required to transport plants or plant parts, as a part of a noxious weed control activity, to a sanitary landfill, to be burned, or otherwise for disposition, if such activities are conducted under the supervision of an official weed control agency or other public agency with management responsibilities for the control efforts and are conducted in such a manner that seed dispersal or dispersal of propagative materials to uninfested areas is prevented. No permit is required for live plants for educational or training purposes, if the specimens are disposed of in such a manner as to prevent infestation.

[Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-515, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-515, filed 3/10/92, effective 4/10/92.]

WAC 16-752-520 Wetland and aquatic weed quarantine—Disposition of regulated articles. Any plants or plant parts transported, bought, sold, offered for sale, or planted in violation of this order shall be subject to destruction or shipment out-of-state if the department determines that such shipment may be done without danger of infestation. Any action will be at the expense of the owner or the owner's agent and without compensation.

[Statutory Authority: Chapters 17.24, 17.10, and 15.13 RCW. 01-01-014, § 16-752-520, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-520, filed 3/10/92, effective 4/10/92.]

WAC 16-752-525 Wetland and aquatic weed quarantine—Penalties. Any person who violates the terms of this quarantine, as provided in WAC 16-752-500 through 16-752-520, or who aids and abets in such violation, shall be subject to criminal and/or civil penalties provided by law.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-525, filed 3/10/92, effective 4/10/92.]

NOXIOUS WEED SEED AND PLANT QUARANTINE

WAC 16-752-600 Establishing the noxious weed seed and plant quarantine. Washington agriculture, environmental quality and natural resources are threatened by nonnative, aggressive species of noxious weeds. A number of these noxious weeds are transported and sold within the state of Washington both as nursery plants and as seeds in packets of flower seeds or "wildflower mixes." Subsequent "escape" of these ornamentals has been a documented source of a number of infestations and has resulted in large public and private expenditures by landowners and land managers, weed boards, and weed districts and the department of agriculture to achieve the control mandated in chapter 17.10 RCW. The director of agriculture, pursuant to the powers provided in chapters 17.10 and 17.24 RCW, finds that regulation of the sale of these seed packets and plants is necessary to protect Washington agriculture and natural resources and prevent public and private costs of control.

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Note: For rules prescribing the limits of prohibited and restricted noxious weed seeds as contaminants in certified seed, see WAC 16-300-010 through 16-300-025.

[Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-600, filed 11/28/00, effective 12/29/00; 92-07-025, § 16-752-600, filed 3/10/92, effective 4/10/92.]

WAC 16-752-605 Noxious weed seed and plant quarantine—Quarantine area. The area under the noxious weed seed and plant quarantine includes all counties within the state of Washington and all states, territories, and districts of the United States.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-605, filed 3/10/92, effective 4/10/92.]

WAC 16-752-610 Noxious weed seed and plant quarantine—Regulated articles. All plants, plant parts, and seeds in packets, blends, and "wildflower mixes" of the following listed species are regulated under the terms of this noxious weed seed and plant quarantine:

Scientific Name	Common Names
Abutilon theophrasti	velvetleaf
Alliaria petiolata	garlic mustard
Amorpha fruticosa	indigobush, lead plant
Anchusa officinalis	common bugloss, alkanet, anchusa
Anthriscus sylvestris	wild chervil
Carduus acanthoides	plumeless thistle
Carduus nutans	musk thistle, nodding thistle
Carduus pycnocephalus	Italian thistle
Carduus tenuiflorus	slenderflower thistle
Centaurea calcitrapa	purple starthistle
Centaurea diffusa	diffuse knapweed
Centaurea jacea	brown knapweed, rayed knapweed, brown centauri horse-knobs, hardheads
Centaurea jacea x nigra	meadow knapweed
Centaurea biebersteinii	spotted knapweed
Centaurea macrocephala	bighead knapweed
Centaurea nigra	black knapweed
Centaurea nigrescens	Vochin knapweed
Chaenorrhinum minus	dwarf snapdragon
Crupina vulgaris	common crupina
Cytisus scoparius	Scotch broom
Daucus carota	wild carrot, Queen Anne's lace
Echium vulgare	blueweed, blue thistle, blue devil, viper's bugloss, snake flower
Euphorbia esula	leafy spurge
Euphorbia oblongata	eggleaf spurge
Galega officinalis	goatsrue
Helianthus ciliaris	Texas blueweed
Heracleum mantegazzianum	giant hogweed, giant cow parsnip
Hibiscus trionum	Venice mallow, flower-of-an-hour, bladder ketmia, modesty, shoo-fly
Hieracium aurantiacum	orange hawkweed, orange paintbrush, red daisy flameweed, devil's weed, grim-the-collier
Hieracium caespitosum	yellow hawkweed, yellow paintbrush, devil's paintbrush, yellow devil, field hawkweed, king devil
Hieracium floribundum	yellow devil hawkweed
Hieracium pilosella	mouseear hawkweed
Impatiens glandulifera	policeman's helmet
Isatis tinctoria	dyers' woad
Kochia scoparia	kochia, summer-cyprus, burning-bush, fireball, Mexican fireweed
Lepidium latifolium	perennial pepperweed
Leucanthemum vulgare	oxeye daisy, white daisy, whiteweed, field daisy, marguerite, poorland flower

Scientific Name	Common Names
<i>Linaria dalmatica</i> spp.dalmatica	Dalmatian toadflax
<i>Mirabilis nyctaginea</i>	wild four o'clock, umbrella-wort
<i>Onopordum acanthium</i>	Scotch thistle
<i>Proboscidea louisianica</i>	unicorn-plant
<i>Pueraria montana</i> var. lobata	kudzu
<i>Salvia aethiopis</i>	Mediterranean sage
<i>Salvia pratensis</i>	meadow clary
<i>Salvia sclarea</i>	clary sage
<i>Senecio jacobaea</i>	tansy ragwort
<i>Silybum marianum</i>	milk thistle
<i>Solanum elaeagnifolium</i>	silverleaf nightshade
<i>Solanum rostratum</i>	buffaloburr
<i>Soliva sessilis</i>	lawnweed
<i>Sorghum halepense</i>	johnsongrass
<i>Spartium junceum</i>	Spanish broom
<i>Tamarix ramosissima</i>	saltcedar
<i>Thymelaea passerina</i>	spurge flax
<i>Torilis arvensis</i>	hedgearsley
<i>Ulex europaeus</i>	gorse, furze
<i>Zygophyllum fabago</i>	Syrian bean-caper

[Statutory Authority: Chapters 17.24, 17.10, 15.13 RCW. 02-12-030, § 16-752-610, filed 5/29/02, effective 6/29/02. Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-610, filed 11/28/00, effective 12/29/00; 98-13-008, § 16-752-610, filed 6/4/98, effective 7/5/98. Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-610, filed 3/10/92, effective 4/10/92.]

WAC 16-752-620 Noxious weed seed and plant quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or plant parts of the regulated species listed in WAC 16-752-610 into or within the state of Washington or to sell, offer for sale, or distribute seed packets of the seed, flower seed blends, or wildflower mixes of these regulated species into or within the state of Washington.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-620, filed 3/10/92, effective 4/10/92.]

WAC 16-752-630 Noxious weed seed and plant quarantine—Exceptions. The prohibition on transporting of plants and plant parts established in WAC 16-752-620 does not apply to plants or plant parts collected for herbariums, research in control methods, creation of pressed specimens, or for educational or identification purposes and other scientific activities, as long as all such activities are conducted in such a manner as to prevent infestation. In addition, plants or plant parts may be transported, as a part of a noxious weed control activity, to a sanitary landfill, to be burned, or otherwise for disposal under the supervision of a noxious weed control agency.

[Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-630, filed 11/28/00, effective 12/29/00; 92-07-025, § 16-752-630, filed 3/10/92, effective 4/10/92.]

WAC 16-752-640 Noxious weed seed and plant quarantine—Permits. The director may allow the movement of materials, otherwise prohibited, by special permit. Such permit shall specify the terms and conditions under which movement is allowed.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-640, filed 3/10/92, effective 4/10/92.]

(5/29/02)

WAC 16-752-650 Noxious weed seed and plant quarantine—Disposal of regulated articles. Any plants, plant parts, or seed packets transported, bought, sold, or offered for sale in violation of WAC 16-752-600 through 16-752-650 are subject to destruction or shipment out-of-state or other disposition in a manner prescribed by the director to prevent infestation. Any such action will be at the expense of the owner or the owner's agent and without compensation.

[Statutory Authority: Chapters 17.24, 17.10 RCW. 00-24-021, § 16-752-650, filed 11/28/00, effective 12/29/00; 92-07-025, § 16-752-650, filed 3/10/92, effective 4/10/92.]

WAC 16-752-660 Noxious weed seed and plant quarantine—Penalties. Any person who violates the terms of the noxious weed quarantine, as provided in WAC 16-752-600 through 16-752-650, or who aids or abets in such violation, shall be subject to the civil and/or criminal penalties provided in chapter 17.24 RCW.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-660, filed 3/10/92, effective 4/10/92.]

PURPLE NUTSEDGE QUARANTINE

WAC 16-752-700 Establishing quarantine for purple nutsedge. Purple nutsedge (*Cyperus rotundus*) is a highly invasive, herbaceous perennial and is commonly considered one of the most serious noxious weeds in agronomic crops in the world. Purple nutsedge propagates by seed, rhizomes, bulbs and nutlets. Soil containing nutlets is the primary mode by which purple nutsedge spreads. The establishment of purple nutsedge in Washington would cause reduction in native vegetation and great economic loss to the agricultural industries of the state. The director of agriculture, pursuant to authorities in chapter 17.24 RCW, RCW 17.10.074 (1)(c) and chapter 15.13 RCW, has determined that the regulation and exclusion of purple nutsedge and its parts, seeds, rhizomes, bulbs and nutlets is necessary to protect the environmental quality and agricultural crops of the state of Washington.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-700, filed 12/29/99, effective 1/29/00.]

WAC 16-752-705 What articles are regulated under the quarantine of purple nutsedge and what do you need to ship regulated articles into Washington? (1) All plants or plant parts, including seeds and propagules, of purple nutsedge (*Cyperus rotundus*).

(2) Any of the following articles entering the state of Washington from the states of Alabama, Arizona, Arkansas, California, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas and Virginia, the territories of Puerto Rico and the Virgin Islands, and any other state, territory or district of the United States where purple nutsedge is found are regulated under this quarantine as hosts or possible carriers of purple nutsedge:

(a) All plants with roots, including planting medium and containers, except house plants;

- (b) Soil, humus, compost or manure, except for commercially packaged products;
- (c) Sod;
- (d) Plant crowns, tubers or roots for propagation; and
- (e) Any other article or means of conveyance, when it is determined by the department to present a hazard of spreading live purple nutsedge due to infestation or exposure to infestation.

(3) Shipment of the regulated articles described in subsection (2) of this section into or within the state of Washington must be accompanied by a certificate of inspection issued by an authorized state or federal regulatory authority from the state or entity of origin. The certificate of inspection must certify that the regulated article(s) has been inspected and found free of purple nutsedge and its plant parts, seeds, rhizomes, bulbs and nutlets.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-705, filed 12/29/99, effective 1/29/00.]

WAC 16-752-710 Acts prohibited by this purple nutsedge quarantine. (1) Except under the terms of a compliance agreement with the department, the movement into or within the state of Washington of the following is prohibited:

- (a) All purple nutsedge plants and purple nutsedge plant parts, including seeds and propagules; and
- (b) Soil, humus, compost, bark, sawdust, ground wood products or manure contaminated with purple nutsedge seed, rhizomes, bulbs or nutlets.

(2) Planting or propagation of purple nutsedge is prohibited.

(3) Shipment of any of the regulated articles described in WAC 16-752-705(2) into or within the state of Washington without a certificate of inspection issued in accordance with WAC 16-752-705(3) is prohibited.

(4) The department may issue permits allowing actions otherwise prohibited under this section subject to the department's conditions and provisions necessary to prevent the introduction, escape or spread of purple nutsedge as prescribed in the permits.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-710, filed 12/29/99, effective 1/29/00.]

WAC 16-752-715 Disposal of articles regulated under this purple nutsedge quarantine. Any regulated articles that are in violation of this purple nutsedge quarantine are subject to destruction, shipment out-of-state or other disposition in a manner prescribed by the department. Any such action will be at the expense of the owner or owner's agent and without compensation.

[Statutory Authority: Chapters 15.13 and 17.24 RCW and RCW 17.10.074 (1)(c). 00-02-033, § 16-752-715, filed 12/29/99, effective 1/29/00.]

The State Noxious Weed List (Chapter 16-750 WAC) How You Can Participate

The State Noxious Weed List is a prioritized listing of Washington's noxious weeds. The list is divided into three classes, each with different requirements for control.

Class A noxious weeds are the highest priority species on the state list. These noxious weeds are new invaders that are present in only very limited amounts in Washington. Control is required for all Class A species.

Class B noxious weed are the second highest priority. These noxious weeds infest some regions of the state but not others. The regions that do not yet have well established infestations of Class B noxious weeds are designated for mandatory control. In the regions where Class B noxious weeds have become established, control is a local option.

Class C noxious weed are established throughout much of the state. Control of these noxious weeds is a local option.

The list is updated on an annual basis by the Washington State Noxious Weed Control Board (Board). The process of considering changes to the list is led by the Board's Noxious Weed Committee. This scientific committee is composed of Board representatives, scientific advisors to the Board, selected county coordinators, and representatives from the Native Plant Society and the horticultural industries. There are many opportunities for the county noxious weed control boards and other interested groups or citizens to participate in the weed listing process. The committee has revised the timeline for the weed listing process, in order to increase opportunities for public participation. The following annual steps compose the weed listing process:

CALL FOR SUGGESTIONS Early in the year, the Board will send out a general call for suggested additions, changes, or deletions to the list. This mailing will be sent to all counties, to interest groups, and to members of the general public who have previously expressed an interest in the listing process. The Board will also send out a general press release to announce the call for suggestions. This suggestion period will be open until the end of March (see below for information on developing a successful suggestion).

INITIAL REVIEW The Noxious Weed Committee will hold their first meeting in April or May to consider possible changes to the list. This committee meeting is open to the public and participation is welcome. All suggestions will be reviewed and discussed, and presentations may be made by their proponents.

If proponent of specific changes to not present enough information, the committee may request additional details from them. Many requests require some degree of research or field verification by committee members.

RESEARCH, FIELD INVESTIGATIONS, AND INITIAL REVIEW OF CHANGES

During May and June, the committee will conduct any needed research on suggested changes to the weed list. This research may include literature searches, surveys of county programs, discussions with other states, and/or field investigations. The committee will develop an initial recommendation for public comment.

FINAL COMMITTEE RECOMMENDATION The committee will meet again in July to review the results of the research and field investigations and the public comments on the initial recommendations. Proponents are welcome to present additional information to the committee on their suggested changes. This committee meeting is also open to the public and participation is welcome. The committee will vote on their final recommended changes, if any, and prepare a report for the Board. The report will list the recommended changes and all other suggestions, along with a brief summary of the reasons for decision. The committee considers all available information on the biology, behavior, distribution, and control of each suggested species when making a decision to recommend listing as a noxious weed. Additional information may result in a latter decision to remove a species from the list. The committee will work with Board staff to develop informational handouts on any new species being considered for listing. At this point the full Board steps back into the process and they initiate the last two steps:

PUBLIC HEARING The Board will consider the recommendations from the committee during their mid-July Board meeting and decide on a final proposal. The Board will issue an informational press release on the proposed changes to the general media and to counties, interest groups, and other interested parties. A public hearing will be scheduled, usually in November, to solicit public comment on the proposed changes to the list.

FINAL BOARD CONSIDERATION AND DECISION The Board will consider the public testimony received and make a final decision on changes to the weed list. The new weed list typically becomes effective in January and the Board actively distributes the new list to interested parties and the general public.

The key to a prioritized and prevention-oriented noxious weed list is accuracy. If the list does not accurately represent what is on the ground, then we will not be directing our resources in the most effective way. The State Noxious Weed Control Board cannot maintain the weed list on their own – your assistance is essential. We need everyone’s eyes and ears to help us keep ahead of the game. You can participate by recommending changes to the list when you hear about or see new species threatening the state, when your knowledge of infestation patterns suggests that a species may not be listed in the correct class, when infestation levels have changed and a Class B designation changes is

needed, or when you feel that a species is no longer appropriate for the list. A successful request includes the following information:

- Scientific and common name of the species in question;
- Background on the biology and properties of the species;
- Location and infestation information – where, when, and how much;
- Control history, if available;
- Evidence of behavior in other locations;
- Specific change requested; and
- Reasons for the request.

Not all of this information will be available for all requests, but each item will help the committee to evaluate the request. Please feel free to contact the Washington State Noxious Weed Control Board (360- 902-2053) for samples of past recommendations. Your county noxious weed control board and WSU cooperative extension agent are also good sources of information. Thank you for your interest in protecting Washington's resources from the devastating impact of noxious weeds!